

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th May, 1961:—

Issue No.	No. and Date	Issued by	Subject
108	S.O. 984, dated 28th April, 1961.	Ministry of Commerce and Industry.	Appointing date on which certain sections of Standards of Weights and Measures Act, 1956, shall come into force from 1st May 1961 in places mentioned therein.
	S.O. 985, dated 28th April, 1961.	Do.	Permitting the continuance of use for one year of any unit of capacity which was in use immediately before that date regarding matters referred to in S.O. 984 above.
109	S.O. 986, dated 28th April, 1961.	Election Commission, India.	Corrections in Notification No. 282/OR/61, dated 22nd April, 1961.
	S. O. 987, dated 28th April, 1961.	Do.	Corrections to S. O. 864/dated 18th April, 1961.
110	S. O. 988, dated 29th April, 1961.	Ministry of Information and Broadcasting.	Approval of film mentioned therein.
111	S. O. 989, dated 29th April, 1961.	Ministry of Finance	Amalgamation of Travancore Forward Bank Ltd., with the State Bank of Travancore.
112	S. O. 990, dated 1st May, 1961.	Election Commission, India.	List of contesting candidates in the Election to the House of the People from the Aurangabad Parliamentary constituency.
113	S. O. 1032, dated 3rd May, 1961.	Ministry of Commerce and Industry.	The Ethyl Alcohol (Price Control) Order, 1961.
114	S. O. 1033, dated 3rd May, 1961.	Do.	The Scooters (Distribution and Sale) Control (Second Amendment) Order, 1961.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1034, dated May, 1961.	3rd Ministry of Commerce and Industry	The Motor Cars (Distribution and Sale) Control (Second Amendment) Order, 1961.
115	S. O. 1035, dated May, 1961.	3rd Election Commission, India.	Amendment to Notification No. 434/9/56(1), dated 7th January, 1957.
116	S. O. 1036, dated May, 1961.	4th Ministry of Commerce and Industry.	Amendments to the Bye-laws of the East India Jute and Hessian Exchange Limited, Calcutta.
117	S. O. 1037, dated May, 1961.	6th Do.	Amendment to S. O. 867, dated 15th May, 1958.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3—Sub-section (ii)

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

#### MINISTRY OF HOME AFFAIRS

*New Delhi, the 4th May 1961*

**S.O. 1039.**—In the fourth entry in column (1) of the Schedule annexed to the Ministry of Home Affairs Notification No. 19/1/61-P.IV dated the 6th April, 1961, delegating the functions of the Central Government under the Indian Arms Act & Rules to the Government of every State, except Jammu & Kashmir

for the figures "25(2), (3) and (4)", please *substitute* the figures "26(2), (3) & (4)".

[No. 19/1/61-P.IV.]

R. K. SHASTRI, Under Secy.

*New Delhi, the 4th May 1961*

**S.O. 1040.**—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President, with the consent of the Government of Jammu and Kashmir, hereby entrusts to the said Government for a period of one year from the 1st day of April 1961, the functions of the Central Government under the provisions of the Indian Arms Act, 1878 (11 of 1878) and of the Indian Arms Rules, 1951, specified in column (1) of the Schedule—

(1) subject to the general conditions hereinafter mentioned namely:—

- (a) that the State Government shall in the exercise of these functions be subject to the like control by the Central Government as was exercisable by it immediately before the coming into force of this notification;
- (b) that the State Government shall observe the existing policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the consent of that Government; and

(2) subject also to such conditions, if any, as are specified in column 2 of the Schedule against the corresponding entry in column 1 thereof.

### THE SCHEDULE

Provisions of the Act and Rules	Conditions, if any, subject to which functions have been entrusted
I	2
Section 11 . . . . .	The power to establish searching-posts shall be exercised with the previous sanction of the Central Government.
Sections, 13, 15, 16(1), (2) & (4) and 17 (c) .	
Section 18 . . . . .	This entrustment is limited to the territories under the administration of the State Government and is without prejudice to the power of the Central Government to cancel or suspend licences throughout the whole or any part of India.
Sections 25, 26 and 30. Rules 3 (1) (b), 26 (2), (3) & (4), 30 (excluding clause (b) in so far as it relates to Sub-Divisional Magistrates), 34. and 40(3) proviso (a) Rule 44(3)	The entrustment under this rule is of the following power only, namely, by general or special order, to remit or reduce the fee payable in respect of the grant or renewal of any licence—  (a) for the import, transport or possession of sulphur in reasonable quantities proved to the satisfaction of the State Government to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition ; or  (b) under rule 10 to any person for the import of any arms, ammunition or military stores in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons or property.
Schedule II—Entries, 1, 2, 4, 5 and 6. Schedule VII—Entry (4). Schedule VIII— Forms IX and X.— Conditions 2, 3, 7, 8, 11. Form XI and XII— Condition 2, 3, 7, 8 & 10. Form XIII— Conditions 3 and 4. Form XIV—Conditions 3. Form XV.—Conditions 4 and 7. Form XVI.—Conditions 6 and 9. Form XVI A—Conditions 9. Form XVII and XVII A.— Condition 5. Form XVIII—Conditions 6 and 7. Form XIX—Conditions 7 and 8.	

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

*New Delhi, the 3rd May, 1961*

**S.O. 1041.—Statement of the Affairs of the Reserve Bank of India, as on the 21st April, 1961.**

**BANKING DEPARTMENT**

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	22,28,13,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,30,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	40,00,00,000	Subsidiary Coin . . . . .	6,75,000
National Agricultural Credit (Stabilisation) Fund . . . . .	5,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	60,19,96,000
Deposits :—			
(a) Government		Balances held abroad* . . . . .	10,79,20,000
(1) Central Government . . . . .	63,91,21,000	Loans and Advances to Governments** . . . . .	93,45,02,000
(2) Other Governments . . . . .	4,30,11,000	Other Loans and Advances† . . . . .	126,26,99,000
(b) Banks . . . . .	87,05,88,000	Investments . . . . .	152,24,09,000
(c) Others . . . . .	107,95,45,000	Other Assets . . . . .	20,52,67,000
Bills Payable . . . . .	38,40,32,000		
Other Liabilities . . . . .	54,22,14,000		
RUPEES . . . . .	485,85,11,000	RUPEES . . . . .	485,85,11,000

\*Includes Cash & Short-term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 25,81,00,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 26th day of April, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 21st day of April, 1961.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	22,28,13,000		A. Gold Coin and Bullion :—		
			(a) Held in India . . . .	117,76,03,000	
Notes in circulation . . . .	2007,64,75,000		(b) Held outside India . . . .	..	
Total Notes issued . . . .		2029,92,88,000	Foreign Securities . . . .	118,00,89,000	
			TOTAL OF A . . . .		235,76,92,000
			B. Rupee Coin . . . .		122,09,82,000
			Government of India Rupee Securities . . . .		1672,06,14,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		2029,92,88,000	TOTAL ASSETS . . . .		2029,92,88,000

Dated the 26th day of April, 1961.

H. V. R. IENGAR,  
Governor.

[No. F. 3(2)-BC/61.]

A. BAKSI, Jt. Secy.

**(Department of Economic Affairs)***New Delhi, the 4th May 1961*

**S.O. 1042.**—In exercise of the powers conferred by sub-section (7) of section 35 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank, hereby—

- (a) directs that in its application to the conduct by the State Bank of India of the business acquired by it from the Mayurbhanj State Bank under section 35 of the said Act, the said Act shall apply as if for the words "other than companies with limited liability;" occurring in sub-clause (d) of clause (i) of section 33 of the said Act, the words "or of joint stock companies with limited liability; registered either in India or in the United Kingdom" had been substituted; and
- (b) exempts the State Bank of India for the period between the 6th May 1961 and the 5th May 1964 from the provisions of clauses (a) and (c) of sub-section (1) of section 34 of the said Act in so far as they preclude the State Bank of India from—
  - (i) continuing or realising the advances against the security of immovable property made by the Mayurbhanj State Bank and taken over by the State Bank of India under the terms and conditions of acquisition by the State Bank of India of the business of the Mayurbhanj State Bank, sanctioned under sub-section (2) of the said section 35 by the Central Government by an order in writing dated 25th February, 1961; and
  - (ii) making against the security of immovable property against which the advances referred to above have been made, such further advances as the State Bank of India may consider necessary or expedient for ensuring or facilitating the recovery of the advances made by the Mayurbhanj State Bank and realising such further advances.

[No. F. 4(141)59-SB.]

*New Delhi, the 9th May 1961*

**S.O. 1043.**—In exercise of the powers conferred by sub-section (2) of Section 45 of the Banking Companies Act, 1949, the Central Government hereby extends the period of moratorium granted by it in respect of the Kottayam Orient Bank Ltd., Kottayam under the aforesaid sub-section upto and including the 16th day of June, 1961.

[No. F. 4(134)-BC/60(I).]

**S.O. 1044.**—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act, 1949, the Central Government hereby extends the period of moratorium granted by it in respect of the Bank of New India Ltd., Trivandrum, under the aforesaid sub-section upto and including the 16th day of June, 1961.

[No. F. 4(134)-BC/60(II).]

**S.O. 1045.**—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act, 1949, the Central Government hereby extends the period of moratorium granted by it in respect of the Seasia Midland Bank Ltd., Alleppey, under the aforesaid sub-section upto and including the 16th day of June, 1961.

[No. F. 4(134)-BC/60(III).]

R. K. SESHADRI, Dy Secy.

**(Department of Economic Affairs)***New Delhi, the 9th May 1961*

**S.O. 1046.**—In pursuance of sub-section (7) of Section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 15th May, 1961, as the prescribed date in relation to the scheme for the amalgamation of the Travancore Forward Bank Ltd., with the State Bank of Travancore which has been sanctioned by the Central Government and published as S.O. 989 in Part II Section 3 sub-section (ii) of the Gazette of India Extraordinary, dated the 29th April, 1961.

[No. F. 4(151)-BC/60.]

**S.O. 1047.**—In exercise of the powers conferred by sub-section (10) of section 45 of the Banking Companies Act, 1949 (10 of 1949) and in modification of this Department's Notification No. 4(151)-BC/60, dated the 16th March, 1961, the Central Government hereby directs that the order of moratorium made by it in respect of the Travancore Forward Bank Ltd., Kottayam, shall be in force up to and including the 14th May 1961.

[No. F. 4(151)-BC/60(II).]

D. N. GHOSH, Under Secy.

(Department of Economic Affairs)

New Delhi, the 9th May 1961

**S.O. 1048.**—In pursuance of Rule 6 of the Industrial Finance Corporation Rules, 1957, the Central Government hereby notifies that the Corporation has, with the prior approval of the Central Government, fixed the rate of interest to be charged by the Corporation on the foreign currency sub-loans granted by it out of the dollar loan sanctioned by the Development Loan Fund of the U.S.A. Government, at 8½% per annum less a rebate of ½% for punctual repayment of principal and payment of interest. (net 7¾%) plus an extra ½% to provide for incidental expenditure.

[No. F. 2(102)-Corp/60.]

S. S. SHARMA, Under Secy.

**THE MADRAS CENTRAL EXCISE COLLECTORATE. MADRAS**

CENTRAL EXCISES

Madras, the 17th April 1961

**S.O. 1049.**—In pursuance of Rule 5 of the Central Excise Rules 1944, I empower the Central Excise Officers specified in Column 1 of the Sub joined table, to exercise within their respective jurisdiction the powers of the "Collector" conferred by the provisions of Rules, enumerated in column 2 of the table, subject to the limitations set out in column 3 thereof.

TABLE

Rank of Officers	Central Excise Rules			Nature of powers conferred and limitations.
	Power looms	Vegetable Non-Essential Oil	Khand-sari	
(1)	(2)			(3)
Superintendent	96-I(1)	96-o(1)	92-A(1)	To accept first ASP application for full period for which special procedure can be availed of.
Asstt. Collector	96-I(2)	..	..	To accept first ASP application for a period less than the prescribed period.
Superintendent	..	96-o(2)	92-A(2)	To accept first ASP application for a period less than the prescribed period.

(1)	(2)	(3)
Asstt. Collector	96-I(3) 96-O(3) 92-A(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.
Superintendent	96-I(4) 96-O(4) 92-A(4)	To accept renewal applications in form ASP.
Superintendent	" " "	To condone delay in submission of ASP application for renewal not exceeding 15 days.
Asstt. Collector	" " "	For condoning delays exceeding 15 days.
Superintendent	96-K(2) 96-Q(2) 92-C(2)	To condone delay in submission of application for removal in forms A.R. 6, A.R. 7 and A.R. 8 and to condone delays in making weekly/monthly deposits where the delay does not exceed (i) 2 days in the case of weekly application and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits.
Asstt. Collector	96-K(2) 96-Q(2) 92-C(2)	To condone such delay if the delay exceeds the limits mentioned above.
Asstt. Collector	96-M(i) 96-S(i) 92-E(i)	To impose following penalties for mis-declaration i.e. to demand duty at full rate.
Adjudicating Officers in accordance with their normal limits of powers	96-M(ii) 96-S(ii)	92-E(ii) To confiscate goods subject to their normal limits of powers.
	96-M(iii) 96-S(iv)	92-E(iv) To impose penalty not exceeding Rs. 2000 subject to their normal limits of powers.
Asstt. Collector	No provision. 96-S(iii)	92-E(iii) To debar a manufacturer from availing of special procedure.

[C. No. IV/16/207/58-61 CE (Pol) ]

D. R. KOHLI, Collector.

## MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 2nd May 1961

**S.O. 1050.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to Class III (Non-Ministerial) posts in the Small Scale Industries Organisation under the Ministry of Commerce and Industry, namely:—

1. **Short title.**—These rules may be called the Small Scale Industries Organisation (Class III—Non-ministerial posts) Recruitment Rules, 1961.



**2. Application.**—These rules shall apply for recruitment to the posts specified in column 1 of the Schedule in the Small Scale Industries Organisation annexed hereto.

**3. Number, classification and scale of pay.**—The number of posts, their classification and the scales of pay attached to them shall be as specified in columns 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit and other qualifications.**—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 12 of the Schedule aforesaid:

Provided that the maximum age limit prescribed for direct recruitment may be relaxed in the case of persons, belonging to Scheduled Castes/Tribes, and other special categories in accordance with the orders issued by the Central Government from time to time.

**5. Disqualification.**—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service; and

(b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

## SCHEDULE

## Recruitment Rules for the posts of driver in the Small Scale Industries Organisation

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of rectt. whether by direct rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion transfer, grades from which promotion to be made
1	2	3	4	5	6	7	8	9	10	11
Driver (Light Vehicle)	65	Central Services class III Non-gazetted <sup>1</sup> Non-ministerial.	Rs. 110—3—131—4—139	Not applicable.	21 to 30 yrs.	<i>Essential</i> Should possess a current and valid driving licence and three years continuous driving experience immediately before appointment <i>Desirable</i> Middle Standard pass preferred	Not applicable	Two years	Cent percent by direct recruitment.	Not applicable
Driver (Heavy Vehicle).	52	Central Services class III Non-gazetted <sup>2</sup> Non-ministerial.	Rs. 110—3—131—4—155—EB—4—175—5—180	Not applicable.	21 to 30 yrs.	<i>Essential</i> Should be able to read and write in his own vernacular 2. Should possess a current and valid driving licence for heavy vehicles and at least three years continuous driving experience immediately before appointment.	Not applicable.	Two years	Cent percent by direct recruitment.	Not applicable.

3. Should be able to diagnose starting trouble due to petrol or ignition system and carry out repairs to carburetor, distributor, brake system etc.

*Desirable*

Middle Standard pass preferred.

Note : Other qualifications being the same, a candidate possessing two or more years experience in an automobile workshop of repute undertaking the repairs and maintenance of motor vehicles will be given preference.

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[No. 25-SSI(C)(11)/61.]

N. S. VAIDYANATHAN, Under Secy.

*New Delhi, the 5th May 1961*

**S.O. 1051.**—In exercise of the powers conferred by clause (i) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Shri S. Muniraju, B.Sc., LL.B., President, Charka Reelers Association, Chickballapur, to serve on the Central Silk Board with effect from the 9th April, 1961, and makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 799, dated the 7th April, 1961.

In the said notification after serial number 24, the following shall be inserted, namely:—

"25. Shri S. Muniraju, B.Sc., LL.B., President, Charka Reelers Association, Chickballapur (Mysore State).

[No. F. 22/1/61-HS(2).]

**S.O. 1052.**—The Central Government hereby notifies that the Rajya Sabha has in pursuance of clause (c) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected Shri T. S. Pattabiraman, a member of the Rajya Sabha, to be a member of the Central Silk Board with effect from the 9th May, 1961.

[No. F. 22/1/61-HS(2).]

J. C. ELING, Under Secy.

### ORDERS

*New Delhi, the 6th May 1961*

**S.O. 1053/DRA/6.**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Machine Tools, for a period of two years with effect from the date of this Order, in place of members whose term of office has expired by efflux of time or otherwise:—

Sl. No.	Name and address of the Member	Interest Represented
1.	Shri V. Nimbkar, The Amerind, 15th Road, Khar, Bombay—21 (Chairman).	Technical Knowledge.
2.	Shri R. L. Kirloskar, General Manager, Mysore Kirloskar Ltd., P. O. Yantrapur.	Owners
3.	Shri S. M. Patil, General Manager, Hindustan Machine Tools Ltd., Jalahalli P. O. Bangalore.	Do.
4.	Shri Bharat G. Doshi, Director, Cooper Engineering Ltd., Construction House, Bombay.	Do.
5.	Shri Ramesh Kumar, Daulat Engineering Corporation, Ludhiana (Panjab).	Do.
6.	Shri B. Venkataraman, General Manager, Praga Tools Corporation Ltd., 17, Saifabad, Hyderabad Dn.	Do.
7.	Shri Moti Thadhani, Steel Plants Private Ltd., "Shivacnumh" 205 Dr. A. Besant Road, Worli, Bombay.	Do.
8.	Shri Chowdry, Maya Engg. Works Private Ltd., 200-A, Syama Prosad Mookerjee Road, Calcutta—26.	Do.
9.	Shri D. Doraraj, Abboi Machine Tool, Coimbatore . . . .	Technical Knowledge
10.	Shri J. V. Pandit, General Manager, Investa Machine Tools & Engg. Co. Ltd., Ewart House, Bruce Street, Bombay.	Do.
11.	Shri J. P. Mehrotra, Deputy Director, Indian Standards Institution, Manak Bhavan, Mathura Road, New Delhi.	Do.

Sl. No.	Name and address of the Member	Interest Represented
12.	Shri D. S. Mulla, 47, New Marine Lines, Bombay—I	Technical Knowledge
13.	Mr. Halbert, M/s. ABMTM India Ltd., Temple Chambers, 6, Old Post Office St., Calcutta—I.	Do.
14.	Shri V. Cadambe, Director, Central Mechanical Engg. Research Institute, Durgapur.	Do.
15.	Executive Director, National Productivity Council, 38, Golf Links, New Delhi.	Do.
16.	Mr. A. Miller, M/s. New Standard Engineering Co. Ltd., Carroll Road, Bombay—13.	Do.
17.	Shri R. K. Gejji, Development Officer (Tools), Ministry of Commerce and Industry, Development Wing, Udyog Bhavan, New Delhi.	Do.
18.	Shri P. R. Ramakrishna, M. P. Coimbatore	Consumers
19.	Mr. A. E. L. Collins, Managing Director, Ashok Leyland Ltd., Bank of Mysore Buildings, N. S. C. Bose Road, Madras-I.	Do.
20.	Shri C. D. Dandekar, Deputy Director of Inspection, Office of the Directorate of Inspection, New Marine Lines, Bombay.	Do.
21.	Shri H. M. Chatterjee, Joint Director, Railway Stores, Railway Board, New Delhi.	Do.
22.	Shri M. B. Jambhekar, Bharucha Building No. 3, Bara Bangala Road, Lonavala, Distt. Poona	Do.

[No. 1(7)IA(IV)/60.]

**S.O. 1054/IDRA/6/15.**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri P. N. Mathur and Shri Krishnan Kallat to be members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1809, dated the 18th July, 1960 for the scheduled industries engaged in the manufacture or production of Oils, Soaps & Paints till the 17th July, 1962 and directs that the following amendment shall be made in the said Order, namely:—

(a) In paragraph 1 of the said Order after entry No. 13E relating to Shri M. L. Sahoo, the following entry shall be inserted, namely:—

“13F. Shri P.N. Mathur, Chief Chemist, Snowwhite Food Products Co., Calcutta.	Technical Knowledge	Member
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(b) In paragraph 1 of the said Order after entry No. 15 relating to Shri J. C. Dixit, the following entry shall be inserted, namely:—

“15A. Shri Krishnan Kallat. Secretary, Kerala State Trade Union Council, Puthiyara, KOZHIKODE, Kerala State.	Persons employed in Industrial undertakings.	Member
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[No. 4(8)IA(IV)/60.]

J. S. BAKSHI, Under Secy.

**ORDER***New Delhi, the 6th May 1961*

**S.O. 1055/IDRA/6/6.**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters and the like), storage batteries, dry batteries, telephones, telegraph equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment, television sets, teleprinters, air conditioners and refrigerators, electricity meters and panel instruments for a period of two years with effect from the date of this Order, on the expiry of the tenure of office of members appointed under the Government

of India, Ministry of Commerce and Industry Order No. S.O. 1030, dated the 1st May, 1959, as amended from time to time:—

Sl. No.	Name and address of the Member	Interest Represented
1.	Shri S. T. Thadani, Additional Director General of Supplies and Disposals, Directorate General of Supplies and Disposals, Parliament Street, New Delhi— <i>Chairman</i> .	Consumers
2.	Shri T. R. Gupta, Jay Engineering Works Ltd., Post Box 2158, Calcutta.	Owners
3.	Shri I. Sukumar, 43, Biren Road East, Behala Calcutta—8	Do.
4.	Mr. H. R. Gregson, Associated Battery Makers (Eastern) Private Ltd., Barlow House, 59C, Chowringhee Road, Calcutta—20, G.P.O. Box 2029.	Do.
5.	Mr. S. Dorresteyn, Electric Lamp Manufacturers (India) Private Ltd., E.L.M.I. 1, Taratolla Road, Garden Reach, Calcutta—24.	Do.
6.	Shri K. Nageshwaran, Resa Company, 316, Mount Road, Madras—2.	Do.
7.	Shri J. Dass, Works Manager, Jaipur Metals & Electricals Ltd., Near Railway Station, Jaipur.	Do.
8.	Shri K. G. Parmaswaran, Managing Director, Amco Batteries, Ltd., Bangalore—2.	Do.
9.	Shri S. S. Khosla, Kay Engineering Co., Kapurthala	Do.
10.	Shri J. E. Reid, General Manager, General Electric Co. of India, 58, Taratalla Road, Calcutta—24.	Do.
11.	Shri H. S. Sinha, Director, M/s. Bharat Electrical Industries Ltd., 52, Hindustan Buildings, 6A, Surendranath Banerjee Road, Calcutta—13.	Do.
12.	Shri R. L. Mulchandani, M/s. Mulchandani Elec. & Radio Industries Private Ltd., Sukh Sagar Sandhurst Bridge, Hughes Road, Bombay—7.	Do.
13.	Shri M. M. Kaul, Development Manager, M/s. Matchwel Electricals (India), Ltd., P. B. 156, 4/11, Asaf Ali Road, New Delhi—1.	Do.
14.	Shri D. M. Desai, Managing Director, M/s. Hindco Lighting Industries Private Ltd., 29, New Queen's Road, Bombay—4.	Do.
15.	Shri Mohan T. Advani, M/s. Blue Star Industries Private Ltd., 8, Thomas Street, Colaba, Bombay—5.	Do.
16.	Shri B. V. Baliga, Bharat Electronics (P) Ltd., Jalahalli P. O., Bangalore.	Technical Knowledge
17.	Shri A. C. Ramachandani, Chief Engineer, All India Radio, New Delhi.	Do.
18.	Shri Y. S. Venkateshwaran, Assistant Director, Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi—1.	Do.
19.	Shri A. G. Bhate, Manager, Materials Services Division, Union Carbide India Ltd., "Illaco House", 1 & 3 Brabourne Road, Calcutta—1.	Do.
20.	Shri N. V. Shenoi, General Manager, Indian Telephone Industries Private Ltd., Durvaninagar, Bangalore.	Do.
21.	Shri G. D. Joglekar, Assistant Director, National Physical Laboratory, Hill-side Road, New Delhi—12.	Do.
22.	Shri S. V. Devarajan, 108-F, Krishna Buildings, Avenue Road, Bangalore—2.	Do.
23.	Mr. H. R. Vorstman, Technical Director, M/s. Philips India Ltd., 7, Justice Chandra Madhab Road, Calcutta—20.	Do.
24.	Shri A. N. Mukherjee, Deputy Development Officer (Electrical) Development Wing, Ministry of Commerce and Industry, New Delhi.	Do.

Sl. No.	Name and address of the Member	Interest Represented
25.	Shri S. S. Kumar, Chairman, Central Water & Power Commission, Bikaner House, New Delhi.	Consumers
26.	Col. K. K. Mehta, Chief Inspector, Inspectorate of Electronic Equipment, Bangalore—6, (P. O. Hebbal).	Do.
27.	Mrs. Tarabai, Director, Lady Irwin College, Sikandra Road, New Delhi.	Do.

[No. 1(6)IA (IV)'60.]  
D. HEJMADI, Dy. Secy.

### ORDER

*New Delhi, the 9th May 1961*

**S.O. 1056/IDRA/18G/55/61.**—In exercise of the powers conferred by sub-section (1) of section 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby directs that the powers exercisable by it under section 18G of the said Act, shall, in relation to the regulation and control of supply, distribution and price of cement in the State of Bihar, be exercisable also by the State Government of Bihar subject to the conditions—

- (1) that the said powers shall be exercised by the State Government with the prior concurrence of the Central Government, and
- (2) that no order made by the State Government in exercise of the powers so delegated shall have effect in so far as such order is repugnant to any order made by the Central Government under the said section 18G.

[No. Cem.-15(9)/58.]  
M. L. GUPTA, Under Secy.

### (Indian Standards Institution)

*New Delhi, the 2nd May 1961*

**S.O. 1057.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification (Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

### THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:8-1958 Specification for High Heat Duty Fireclay Refractories (Second Revision)	S.O. 658 dated 26th March, 1955	No. 1 dated March, 1961	(i) a new clause 9.2 has been introduced after clause 9.1  (ii) the existing clause 10.1 has been deleted and substituted by a new clause.	15th May, 1961

2	IS:1483-1959 Specification for White Bread	S.O. 1037 dated 30th April, 1960	No. 1 March 1961	In clause B-2.1, lines 10 & 11 please substitute '10 mg' for 'one milligram'	15th May, 1961
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Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Fort, Bombay-1 (ii) Third Floor, 11 Sooterkin Street, Calcutta-13 and (iii) 2/21 First Line Beach, Madras -1.

[No. MD/13:5.]

**S.O. 1058.**—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

#### SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. of date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of errata Slip Issued
(1)	(2)	(3)	(4)
1	IS : 265-1950 Specification for Hydrochloric Acid.	S.R.O. 658 dated 26th March 1955.	In item (i) Col. 2 of Table I at page 4, please read 'Specific Gravity (15.5°/15.5°C), Min. for 'Specific Gravity 15.5°/15.5°C'.
2	IS : 1271-1958 Classification for Insulating Materials for Electrical Machinery and Apparatus in Relation to their Thermal Stability in Service.	S.O. 761 dated 11th April 1959.	In line 1, clause 1.1 at page 3 please read 'seven' for 'six'.
3	IS : 1547-1960 Specification for Infant Milk Foods.	S.O. 2319 dated 24th September 1961.	In Appendix D at pages 6 & 7 please delete clause D-2.2 and renumber of the existing clauses D-2.3, D-2.4 & D-2.5' as D-2.2, D-2.3 & D-2.4' respectively.

Copies of this errata slip are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Rd., Bombay, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, and (iii) 2/21 First Line Beach, Madras-1

[No. MD/13:6.]

**S.O. 1059.**—In pursuance of sub-regulations (2) and (3) of regulations 3 of the Indian Standard Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th April to 30th April 1961.



## THE SCHEDULE

Serial No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any superseded by the New Indian Standard	Brief Particulars
1	2	3	4
1	IS : 1603-1960 : Specification for Performance of Variable Speed Internal Combustion Engines for Automotive Purposes.	..	This standard specifies the performance requirements and tests for normally aspirated variable speed internal combustion engines of the following types used for automotive purposes : (a) Compression-ignition engines ; and (b) Carburettor type engines. (Price Rs. 2.50)
2	IS : 1704-1960 : Specification for Black Japan for Hot Surfaces.	..	This standard prescribes the requirements and the methods of tests for black Japan for hot surfaces. This material is durable and heat-resisting and is suitable for application on surfaces which become hot under service conditions, such as those of locomotives, and for other general purposes where a heat-resisting finish is required. (Price Rs. 2.00).
3	IS : 1724-1960 : Methods of Specifying and Testing Varnished and Enamelled Ring Rabbeth Bobbins for Cotton Mills.	..	This standard prescribes methods of specifying and testing varnished and enamelled ring rabbeth bobbins for cotton mills. (Price Rs. 5.00).
4	IS : 1735-1960 : Specification for Hive Stands.	..	This standard prescribes the requirements for timber and reinforced concrete hive stands for beehives conforming to IS : 1515-1959. (Price Rs. 1.50).
5	IS : 1739-1960 : Specification for Cotton Healds for use in Cotton Looms.	..	This standard prescribes the shape and dimensions of cotton healds for use in cotton looms ; it also includes provisions to regulate their quality and the level of workmanship to be used in the manufacture. (Price Rs. 4.00).
6	IS : 1740-1960 : Specification for Flat Cotton Wicks for Hurricane Lanterns and Lamps.	..	This standard prescribes constructional details and other particulars of flat cotton wicks of 6 to 25 mm width for hurricane lanterns and lamps. (Price Rs. 4.00).
7	IS : 1744-1960 : Specification for Stannic Chloride, Anhydrous, Technical.	..	This standard prescribes the requirements and the methods of sampling and test for stannic chloride, anhydrous, technical. (Price Rs. 2.50).

1	2	3	4
8	IS : 1746-1960 : Specification for Shoe Polish.	..	This standard prescribes the requirements and the methods of test for wax-solvent paste type polishes of any colour suitable for general application to leather footwear. (Price Rs. 2.50).
9	IS : 1747-1960 : Specification for Nitrogen, Technical.	..	This standard prescribes the requirements and the method of test for nitrogen, technical (Price Re. 1.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, and (iii) 2/21, First Line Beach Madras-1.

[No. MD/13:2.]

C. N. MODAWAL,  
Deputy Director (Marks).

### MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

#### ORDER

New Delhi, the 3rd May 1961

**S.O. 1060.**—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment in the Order of the Government of India in the late Ministry of Production, S.R.O. No. 1185, dated the 2nd April, 1957, namely:—

In the Schedule annexed to the said Order, against Serial Number 3 in column 2, after entry (ii), the following entry shall be inserted, namely:—

"(iii) Special Officer (Controls), Department of Industries & Commerce, Madras".

[No. 11/1/61-CI.]

A. S. GREWAL, Dy. Secy.

(Department of Mines and Fuel)

#### CORRIGENDUM

New Delhi, the 3rd May 1961

**S.O. 1061.**—In the Schedule to Notification No. S.O. 195, dated the 18th January, 1961, published in part-II, section 3, Sub-section (ii) of the Gazette of India Extra-ordinary, dated the 18th January, 1961:—

1	2	3
(1) Under the heading "Plot Nos. to be acquired in village Jhirki"	(i) for 459 (P)	read 459
	(ii) omit 1266 (P)	
(2) Under the heading "Plot Nos. to be acquired in village Palani"	for 142 (P), 442	read 142 to 443

[No. C2-20(2)/61.]

BALWANT SINGH, Dy. Secy.

**MINISTRY OF FOOD & AGRICULTURE****(Department of Agriculture)***New Delhi, the 5th May 1961*

**S.O. 1062.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Andamans Forest Department (Class III and Class IV posts) Recruitment Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 2626 dated the 19th November, 1959, namely:—

1. These rules may be called the Andamans Forest Department (Recruitment to Class III and Class IV posts) Amendment Rules, 1961.

2. In the Andamans Forest Department (Class III and Class IV posts) Recruitment Rules, 1959:—

(1) After rule 3, the following rule shall be inserted, namely:—

**"4. Disqualification:—**

- (a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service; and
- (b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to service;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

(2) *In the Schedule headed Class III (Ministerial) and Class IV posts.*

- (a) against serial Nos. 3 and 4 under column 12, for the existing entries, the entries 'two years' shall be substituted;
- (b) against serial No. 3, (i) under column 6, the existing entry shall be omitted; (ii) under column 8, for the existing entry, the following entry shall be substituted, namely:—

**"33½% of the posts will be filled on the basis of competitive examination and 66 2/3% by promotion on the basis of seniority-cum-fitness from the Category of Lower Division Clerks."**

(iii) under column 11, the existing entry shall be omitted.

(c) against serial No. 6 under column 12, for the existing entry, the entry 'six months' shall be substituted.

(3) *In the Schedule headed Class III (Non-Ministerial) and Class IV posts.*

- (a) against serial Nos. 1, 3, 4, 5, 6, 8, 12, 14, 17, 18, 19, 20, 22, 26, 31, 32, 34 and 39, under Column 12, for the existing entries, the entries "two years" shall be substituted.
- (b) against serial Nos. 25, 33, 36, 37, 38 and 40, under Column 12, for the existing entries, the entries "six months" shall be substituted.

(4) Note 6 of the two Schedules shall be omitted.

[No. F. 6-15/58-FII.]

K. A. ANSARI, Under Secy.

**(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

*New Delhi, the 4th May 1961*

**S.O. 1063.**—Whereas it appears to the Central Government to be necessary and expedient so to do for securing the equitable distribution of an essential commodity, namely Coal:—

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs

that every person who owns or manages a cotton ginning or pressing factory shall *on or before the 31st May, 1961*, submit to the Secretary, Indian Central Cotton Committee, 14, Nicol Road, Ballard Estate, Bombay-1, a statement in the form in the schedule appended hereto containing true and accurate information relating to matters mentioned therein.

#### SCHEDULE

(Information to be furnished by Ginning and Pressing Factories.—Factories which do not intend to work during 1961-62 season must clearly mention so at the top of this form).

1. (a) Full name and postal address of the factory.  
(b) Press Mark (in the case of a pressing factory).
2. Name of the railway station at which the factory normally receives coal and the name of the railway on which the station is situated.
3. Normal date of commencement and date of finishing of work in the factory.
4. Number of bojas of cotton (lint) of 392 lbs. each ginned (by steam power only) in the factory during 1959-60 season.
5. Number of bojas of cotton (lint) of 392 lbs. each ginned (by steam power only) in the factory during 1960-61 season (upto the 30th April, 1961).
6. Number of bales of raw cotton pressed (by steam power only) in the factory during 1959-60 season.
7. Number of bales of raw cotton pressed (by steam power only) in the factory during 1960-61 season (upto the 30th April, 1961).
8. Type of power plant installed in the factory, (state whether steam, producer gas, diesel or electric. Give details for gin and press separately).
9. Total number of gins installed in the factory (state whether single, double roller or raw gins).
10. Total number of gins which will work in 1961-62 season by
  - (a) Steam power
  - (b) Other than steam power.
11. Number of half presses installed in the factory.
12. Number of full presses installed in the factory.
13. Tons of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1959-60.
14. Tons of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1959-60.
15. Tons of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1960-61 (up to the 30th April, 1961).
16. Tons of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1960-61 (up to the 30th April, 1961).
17. Quantity of coal that the Secretary, Indian Central Cotton Committee, Bombay, recommended that the factory should receive during the 1960-61 season.
18. Quantity of coal sanctioned by the Deputy Coal Controller (Distribution), Calcutta, for 1960-61 season (give number and date of sanction).
19. Quantity of coal actually received by the factory as a result of items 17 and 18 above during the 1960-61 season (upto the 30th April, 1961).
20. Tons of coal, if any, purchased by the factory from the market during the 1960-61 season in addition to the quantity shown against item 19.
21. Tons of coal held in stock on the 30th April, 1961.
22. Tons of coal received after the 30th April, 1961 up to the date of making this application, as a result of items 17 and 18.
23. Tons of coal to be received after the date of this application, against R/R held by the factory as a result of items 17 and 18.
24. Tons of firewood or fuel other than coal held in stock on the date of making this application.

25. Quantity of (i) kapas (unginned cotton) and (ii) ginned but unpressed cotton actually held in stock in the factory premises on the 30th April, 1961 to be ginned and pressed.
  26. Estimated quantity of cotton (in bales of lint) expected to be ginned and/or pressed during the 1961-62 season (including stocks shown against item 25).
  27. Estimated quantity of coal in tons excluding the stocks of fuel shown against items 21, 22, 23 and 28 required by the factory during 1961-62 season. Please also specify the number of instalments and the respective months in which it is desired that the required quantity should reach the factory.
  28. Tons of coal and/or firewood not in possession of the factory but in which the factory has any lien or interest on the date of this application.
  29. If the factory is a member of any pool, name and address of the Secretary of the pool may be given here.
  30. Whether the factory was silent during 1960-61 season. If silent owing to pool, please give name and postal address of the Pool Secretary.
- NOTE.—(a) Factories which were silent in the 1960-61 season should produce a certificate in original from a Local Government Gazetted Officer to the effect that the factory will work during the 1961-62 season, which should indicate also his opinion regarding the estimated output (Ginning and pressing of cotton separately) of the factory.
- (b) Output and consumption figures should invariably be given in the unit prescribed herein.
- (c) Application should be complete in every respect. Incomplete information may entail delay in issue of permits.

I declare that the factory is not receiving supplies of coal under any other priority classes or under recommendation from any other recommending authorities for the purpose for which the coal quota has now been applied for.

Date .....

Signature of Factory Manager or Proprietor.

NOTE.—(1) In respect of figures of stocks of fuel (vide items 21, 22 and 24 above) it is essential that not only stocks in possession of the factory should be shown but also any stocks that it may have a lien on/or that may be held by any of the partner or sister concerns should be shown with details.

(2) Change of proprietorship of the factory must be intimated to the Secretary, Indian Central Cotton Committee, Bombay, immediately the change is made.

(3) In case the factory does not require coal after the application has been made or the recommendation has been issued, the factory must telegraphically intimate to that effect to the Secretary, Indian Central Cotton Committee, Bombay-1. In the meantime, any coal, which happens to be despatched to the factory should be taken delivery of by the factory without delay and kept in its possession pending disposal instruction. Should a factory which has applied for the coal fail to take delivery in time, the demurrage charges and other expenses incurred on that account shall be borne by the factory.

[No. 1-29/61-Com.IV.]

SANTOKH SINGH, Under Secy.

## MINISTRY OF HEALTH

New Delhi, the 1st May 1961

S.O. 1064.—The following draft of certain rules further to amend the Drugs Rules, 1945, which the Central Government propose to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th July, 1961.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

## DRAFT RULES

1. These rules may be called the Drugs (Amendment) Rules, 1961.

2. In the Drugs Rules, 1945 in rule 46, the following Explanation shall be inserted at the end, namely:—

*“Explanation.—It shall be deemed to be full and sufficient compliance with the requirement of the rule in respect of the supply of ‘protocols of the tests applied’, if:—*

- (1) for pharmacopoeial drugs, where the tests and methods prescribed in the official pharmacopoeia are followed, references to the specific tests in the pharmacopoeias are given in the report;
- (2) for patent or proprietary drugs for which the tests and methods prescribed in any of the official pharmacopoeia are applicable and are followed, references to the specific tests in the pharmacopoeias are given in the report;
- (3) for patent or proprietary drugs or pharmacopoeial preparations for which the official tests or methods of assays are modified and applied, a description of the actual tests applied is given in the report;
- (4) for patent or proprietary drugs for which no pharmacopoeial methods are available and for which methods given in standard books or journals are followed, a description of the test applied together with the reference to the relevant books or journals from which the tests have been adopted, is given in the report;
- (5) for those drugs for which methods of test have been evolved by the Government Analyst, a description of the tests applied is given in the report.”

[No. F. 1-9/61-D.]

S.O. 1065.—The following draft of certain rules further to amend the Drugs Rules, 1945, which it is proposed to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), is published as required by the said sections for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th July, 1961.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendments*

1. These rules may be called the Drugs (Amendment) Rules, 1961.

2. In the Drugs Rules, 1945(1) in rule 44 for the existing clause (b), the following clause shall be substituted, namely:—

- (b) has a first or second class degree in Pharmaceutical Chemistry or Pharmacy, or a post-graduate degree in Chemistry with Pharmaceuticals as special subject from a university recognised for the purpose by the appointing authority or the Associateship Diploma of the Institution of Chemists (India) obtained by passing the examination with “Analysis of Drugs and Pharmaceuticals” as one of the subjects and has had not less than two year’s post graduate experience in analysis of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act, (ii) a Chemical Examiner to Government, or (iii) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or (iv) the head of an institution specially approved for the purpose by the appointing authority; or”

(2) in rule 49 for the existing clause (a) the following clause shall be substituted, namely:—

- “(a) has a degree in Pharmacy or Pharmaceutical Chemistry or a post graduate degree in Chemistry with Pharmaceutical as a special subject of university recognised for this purpose by the appointing

authority or the Associateship Diploma of the Institution of Chemists (India) obtained by passing the examination with 'Analysis of Drugs and Pharmaceuticals' as one of the subject; or"

[No. F. 1-15/61-D.]

D. J. BALARAJ, Dy. Secy.

## MINISTRY OF TRANSPORT & COMMUNICATIONS

(Departments of Communications & Civil Aviation)

*New Delhi, the 2nd May 1961*

S.O. 1066.—In partial modification of Notification No. 20-CA(1)/60, dated 23rd June 1960, the Central Government, has appointed Sarvashri P. R. Ramakrishnan, M.P. and J. N. Guzder as members of the Advisory Committee of Air-India International Corporation, in the vacancies caused by the resignation of Shri M. A. Chidambaram on his appointment as a member of the Board of Air-India International Corporation and the death of Shri A. E. Currimbhoy respectively.

[No. 20-CA(1)/60.]

K. GOPALAKRISHNAN, Dy. Secy.

(Department of Communications and Civil Aviation P. & T. Board)

*New Delhi, the 1st May 1961*

S.O. 1067.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules, 1951, namely:—

1. These rules may be called the Indian Telegraph (Fourth Amendment) Rules, 1961.

2. In rule 434 of the Indian Telegraph Rules 1951,—

(1) for section "V charges for extensions", the following section shall be substituted, namely:—

### "V. Charges for extensions

(i)

	Annual rental Rs.
(a) Internal extension without intercommunication facility . . . . .	60
(b) Internal extension with intercommunication facility . . . . .	100

(c) *External extensions*

	Measured rate system	Flat rate system
(i) Not exceeding one kilometre radial distance from the main connection . . . . .	Rs. 250	Rs. 180
(ii) Exceeding one kilometre radial distance from the main connection.	Charges as for the first kilometre plus Rs. 75 for each additional kilometre or fraction thereof.	

Provided that for an external extension which lies entirely within the subscriber's premises and no portion of which crosses a public road, the charges shall be Rs. 150 for the first kilometre and Rs. 50 for each additional kilometre or fraction thereof.

(2) For external extensions exceeding 5 kilometres, the above rates shall apply only if existing wires or cable conductors are utilised with inexpensive changes. In all other cases, special rates of rental shall be charged".

- (2) in Section "VIII charges for private exchanges and private branch exchanges", for sub-section 2, the following sub-section shall be substituted, namely:—

"(2) Rental for telephone connections from private exchanges (manual and automatic) and private branch exchanges (manual and automatic).

*Annual Rental.*

- (a) Internal connections and internal private wires . . . . . Rs. 60  
(applicable in both flat rate and measured rate systems.)

- (b) *External connections*
- |  | <i>Measured rate system</i> | <i>Flat rate system</i> |
|--|-----------------------------|-------------------------|
|--|-----------------------------|-------------------------|

- |   |         |         |
|---|---------|---------|
| (i) not exceeding one kilometre radial distance from the private or private branch exchange . . . . . | Rs. 250 | Rs. 180 |
|---|---------|---------|

- |   |  |  |
|---|--|--|
| (ii) Exceeding one kilometre radial distance from the private or private branch exchange. | Charges as for the first kilometre plus Rs. 75 for each additional kilometre or fraction thereof |  |
|---|--|--|

Provided that for an external connection which lies entirely within the subscriber's premises and no portion of which crosses a public road, the charges shall be Rs. 150 for the first kilometre and Rs. 50 for each additional kilometre or fraction thereof.

- (c) For external connections exceeding 5 kilometres, the above rates shall apply only if existing wires or cable conductors are utilised with inexpensive changes. In all other cases, special rates of rental shall be charged".

- (3) in Section "IX charges for private wires (on non-exchange lines)" for sub-section (1), the following sub-section shall be substituted, namely:—

- "(1) (a) Internal private wires . . . . .
- |  | <i>Annual Rental</i> |
|--|----------------------|
|  | Rs. 100              |
- (applicable in both flat rate and measured rate systems).

- (b) *External private wires*
- |   | <i>Measured rate system</i>   | <i>Flat rate system</i> |
|---|---|-------------------------|
| (i) not exceeding one kilometre radial distance . . . . . | Rs. 250   | Rs. 180                 |
| (ii) Exceeding one kilometre radial distance . . . . .    | Charges as for the first kilometre plus Rs. 75 for each additional kilometre or fraction thereof. |                         |

Provided that for an external private wire which lies entirely within the subscriber's premises and no portion of which crosses a public road, the charges shall be Rs. 150 for the first kilometre and Rs. 50 for each additional kilometre or fraction thereof".

[No. 10-32/60-R.]

S. MAHADEVA IYER,  
Director of Phones (E).



**MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS**

*New Delhi, the 2nd May 1961*

**S.O. 1068.**—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs the name of the 'Indian Institute of Technology, Bombay' shall be added in the Schedule to the said Act.

**S.O. 1069.**—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Indian Institute of Technology, Bombay.

A. B. CHANDIRAMANI,

Deputy Educational Adviser (Technical).

**MINISTRY OF REHABILITATION**

(Office of the Chief Settlement Commissioner)

*New Delhi, the 1st May 1961*

**S.O. 1070.**—In exercise of the powers conferred by Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954) the Central Government hereby appoints Shri Y. L. Taneja as Deputy Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act with effect from 1st April, 1961.

[No. 11(6)|CSC|AI-61|I.]

**S.O. 1071.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints Shri Y. L. Taneja as Deputy Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act with effect from 1st April, 1961.

[No. 11(6)|CSC|AI-61|II.]

K. B. MATHUR, Under Secy.

(Office of the Chief Settlement Commissioner)

*New Delhi, the 1st May 1961*

**S.O. 1072.**—In exercise of the powers conferred on me by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri Y. L. Taneja, Deputy Chief Settlement Commissioner, with effect from 1st April, 1961, the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 11(6)|CSC|AI-61|III.]

**S.O. 1073.**—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) I have delegated to Shri Y. L. Taneja, Deputy Chief Settlement Commissioner, with effect from the 1st April, 1961, the following powers of the Chief Settlement Commissioner:—

1. Powers to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to Sub-Section (3) of Section 4 of the said Act.
2. Special power of revision under Section (5) of the said Act in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950).

[No. 11(6)|CSC|AI-61|IV.]

**S.O. 1074.**—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary, Act, 1954 (12 of 1954) I have delegated to Shri Y. L. Taneja, Deputy Chief Settlement Commissioner, with effect from the 1st April, 1961, the following powers of the Chief Settlement Commissioner, namely:—

1. Power to transfer cases to Settlement Officers by general or special order under Sub-Section (1) of Section 4 of the said Act.
2. Power to require a Settlement Officer to appoint one or more persons to advise him in any proceeding pending before him, under Sub-Section (2) of Section 6 of the said Act.
3. Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.

[No. 11(6)|CSC|AI-61|V.]

S. W. SHIVESHWARKAR,  
Chief Settlement Commissioner.

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 5th May 1961*

**S.O. 1075.**—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 44 of 1954, the Central Government hereby appoints Shri R. K. Chaudhry for the time being holding the post of Assistant Settlement Officer under the Regional Settlement Commissioner, Delhi as Managing Officer for the Custody, Management and Disposal of Compensation Pool with effect from the date he took over charge of his post.

[No. 10(35)AR(Per)CSC/61.]

KANWAR BAHADUR,  
Settlement Commissioner(A) & *Ex-officio* Dy. Secy.

**MINISTRY OF LABOUR & EMPLOYMENT**

*New Delhi, the 3rd May 1961*

**S.O. 1076.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Delhi, in the matter of an application under section 33A of the said Act from Shri Baburao Pawar, employee of the Allahabad Bank Limited, Rajnandgaon.

**BEFORE THE CENTRAL GOVERNMENT LABOUR COURT: DELHI**

**PRESENT:**

Shri E. KRISHNA MURTI,  
Central Government Labour Court, Delhi

*The 11th April, 1961.*

Application U/S 33A of the Industrial Disputes Act, 1947.

I.D. No. 23 of 1961

Shri Baburao Pawar, C/o Allahabad Bank Ltd., Rajanandgaon, M.P.—  
*Applicant.*

*Vs.*

The Allahabad Bank Ltd., 14, India Exchange Place, Calcutta—*Respondent.*

Shri Amarendra Nath Roy Chaudhari—*for the management.*

Shri H. L. Parwana—*for the workman.*

In the matter of Ref. No. 1 of 1960, pending before the National Industrial Tribunal (Bank Disputes), Bombay-1.

AWARD

This is a petition under Section 33A of the Industrial Disputes Act.

2. The petitioner's contention is, that he is a confirmed employce of the Raj Nand Gaon (M.P.) Branch of the Bank, that one of his duties is to assist the Godown-Keeper in making deliveries, and storage of goods pledged by borrowers, that the Bank had been paying him conveyance allowance of Rs. 4, that the said payment was discontinued with effect from July, 1960, and that the amount may be directed to be paid by the Bank.

3. The contention on behalf of the Bank is, that there has been no contra-vention of the provisions of Section 33, that the petition, as brought, is not maintainable, that, in any case, no conveyance allowance was ever paid to the complainant in the past, that the question of discontinuance, therefore, does not arise, and that the workman is not entitled to any relief

4. The issue for determination is:—

(1) Whether the application as brought, is maintainable?

(2) Whether the petitioner is entitled to recover the amount as claimed?

5. The petitioner herein was employed in the Raj Nand Gaon (M.P.) Branch of the Bank. According to his case, one of his duties was to assist the Godown-Keeper in making deliveries, and storage of goods, pledged by the borrowers with the Bank at the godown situated in different localities of the town of Raj Nand Gaon. For this purpose the Bank had been paying him a conveyance allowance of Rs. 4 per month since 29th November 1958, but the said payment was discontinued with effect from July, 1960. It is asserted, that this amounts to alteration in the conditions of service to the complainant's prejudice during the pendency of proceeding before the National Tribunal. It seems to me, that the contention on behalf of the Bank, that this petition is not maintainable, is well sustained. No petition can lie under Section 33A unless there is contra-vention of Section 33. There is no contravention of Section 33 on the facts of this case, because the Bank was not bound to apply for approval under Section 33(2)(a). It is only in the case of discharge, or dismissal for misconduct, that the management is bound to apply for approval under Section 33(2)(b). There is no obligation to seek approval even if there was any alteration of the conditions of service, under Section 33(2)(a). In the decision in Lord Krishna Mills and their workmen (1961 I LLJ 211), it is observed by the Supreme Court as follows at page 216:—

"In dealing with cases under Section 33(2), the industrial authority will be entitled to enquire, whether the proposed action is in accordance with the standing orders, whether the employee concerned had been paid wages for one month, and whether an application has been made for approval, as prescribed by the said sub-section. It is obvious, that in cases of alteration of conditions of service, falling under Section 33(2)(a), no such approval is required, and the right of the employer remains unaffected by any ban." Therefore, even assuming for the sake of argument, that the management had withheld the amount of Rs. 4, which was alleged to be due to the petitioner, the management were not bound to apply for any approval under Section 33(2)(a). Therefore, there is no contravention of Section 33. Accordingly, this petition under Section 33A does not lie.

6. Issue No. 2.

Turning to the merits of the case, the case of the petitioner is, that he was paid Rs. 4 as conveyance allowance, because his duty was to assist the Godown-Keeper in the matter of effecting deliveries of goods pledged with the Bank, and in storing them. The contention on behalf of the Bank is, that no such conveyance allowance was ever paid. Shri Parwana for the workman has been obliged to concede, that he has not been able to adduce any proof of the fact, that the workman was paid Rs. 4 as conveyance allowance. On the contrary, the various vouchers, that have been produced on behalf of the Bank, and marked as Annexures 1—19, attached to the reply statement of the Bank show, that actual expenses were paid to the Godown-Keeper. They do not show any payment to the present petitioner. Even taking Paragraph 548 of the Sastry Award, the Bank is required to re-imburse an employee to the extent, that he fairly and legitimately incurred expenditure in performance of the Bank's work. The petitioner herein does not seek reimbursement of expenditure legitimately and fairly incurred in performance of the Bank's duties. What he seeks to recover is the fixed conveyance allowance of Rs. 4 per month, which is said to have been

wrongfully withheld by the Bank. I find, that there is no proof of the fact, that the workman was ever paid Rs. 4, as conveyance allowance at any time. There is, therefore, no question of wrong withholding of the same. The workman is not entitled to recover any amount or to any relief in this petition.

7. In the result, the petition is dismissed. There is no order as to costs.

8. An award is passed accordingly.

(Three pages)

The 11th April, 1961.

E. KRISHNA MURTI,

Central Government Labour Court: Delhi.

[No. 55(14)/61-LRIV.]

**S.O. 1077.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal (Bank Disputes), Bombay, in the matter of an application under section 33A of the said Act from Shri S. Yegnasamy, ex-employee of the Pandyan Bank Limited, Madurai.

**BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT BOMBAY**

**COMPLAINT No. 1 of 1961**

in

**REFERENCE No. 1 of 1960**

Shri S. Yegnasamy, No. 1, Sethia Bhuvan, Telang Road, Matunga, Bombay—  
*Complainant.*

*Versus*

The Pandyan Bank Limited, Central Office, P.B. No. 85, Madurai—  
*Respondent.*

In the matter of a Complaint under section 33A of the Industrial Disputes Act, 1947, dated 28th November 1960.

**PRESENT:**

The Honourable Shri Justice Kantilal T. Desai, Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay.

**APPEARANCES:**

Shri S. Yegnasamy, Complainant—in person.

Shri R. B. Kini, Representative of the Bank—for the Respondent.

**INDUSTRY: Banking.**

**Dated: 20th April 1961**

**AWARD**

1. The complainant, who was an employee of the Pandyan Bank Limited, has filed a complaint against the Bank under the provisions of Section 33A of the Industrial Disputes Act, 1947. On 18th April 1960, the Bank appointed the complainant as a probationer at the office of the Bank at Bombay for a period of one year. The letter of appointment to the extent that it is relevant runs as under:—

“Mr. S. Yegnasamy is appointed as a probationer at our Bombay Office for a period of one year during which period an allowance of Rs. 150 (Rupees One hundred and fifty only) per month will be paid.

He will abide by the rules and regulations of the Bank.

He will deposit with the Bank a cash security of Rs. 500 (Rupees Five hundred only) immediately. The appointment takes effect from 13th April 1960.”

2. By another letter, dated 18th April 1960, the Bank agreed to pay to the complainant brokerage at  $\frac{1}{4}$  per cent. on all call and fixed deposits brought in through the efforts of the complainant.

3. On 3rd August, 1960, the Managing Director of the Bank addressed a letter to the complainant, drawing his attention to the fact that he had not been able to achieve any reasonable results ever since his appointment, even though the complainant had made promises of bringing in deposits. He was informed that his progress would be watched till about the middle of August 1960 to find out how far he would be useful to the Bank. On 31st August 1960, the complainant was informed by the Managing Director of the Bank that the Bank was prepared to review his position as on 15th September 1960, as it was felt that there should be enough time for the complainant to show some substantial progress before then. On 14th September 1960, the Managing Director of the Bank addressed a letter to the complainant stating that as the Bank was not satisfied by the performance of the complainant till then and as the Bank did not think that he would come up to the Bank's expectation, the Bank had to terminate his probation with immediate effect and that the Bombay office of the Bank had been instructed to relieve the complainant immediately. On 16th September 1960, the Agent of the Bank wrote a letter to the complainant stating that his probation had been terminated with immediate effect and that he was relieved from his office from that day onwards. Thereupon, on 28th November 1960, the complainant filed the present complaint.

4. The services of the petitioner have been terminated on the ground that the work of the petitioner had not come up to the expectation of the Bank.

5. The petitioner contends that having regard to the terms of his appointment, his services were not liable to be terminated before the expiry of one year commencing from 13th April 1960. The Bank, on the other hand, contends that as the complainant had been appointed on probation, his services were liable to be terminated at any time during the period of probation when his services were not found to be satisfactory by the Bank. The letter of appointment in terms says that the complainant was appointed as a probationer "for a period of one year". It further provides that during that year, he would be paid an allowance of Rs. 150 per month. The complainant is required to deposit with the Bank a cash security of Rs. 500. On a plain reading of the letter of appointment, it appears that the complainant has been appointed for one year. The services of the complainant could only be terminated before the expiry of that year for any misconduct on the part of the complainant after observing the due requirements of law. The Bank does not plead any misconduct on the part of the complainant entitling the Bank to terminate his services. It is submitted on behalf of the Bank that as the complainant had been appointed "as a probationer", his services were liable to be terminated at any time during the period of probation if the Bank found that the services of the complainant would not be of use to the Bank and if the complainant did not come up to the expectation of the Bank. Strong reliance was placed by the representative for the Bank on a decision reported in A.I.R. 1954, Mysore, 175—B, *V. Venkatacharya v. The Mysore Sugar Co. Ltd.* In that case, it was held by a Division Bench of the Mysore High Court that the services of a person appointed on probation for one year could be terminated before the expiry of the period of one year and that no damages could be claimed on the ground of wrongful termination of service. The learned Judges relied upon the meaning of the expression "probation" according to Law Lexicon of Ramanath Iyer where it has been stated that the expression "probation" meant "testing of a person's capacity, conduct or character especially before he is admitted to regular employment". They held that "probation cannot be taken to bind the parties to be employer and employee till it is over and confer on the employee rights not available to others." They further held that it would be contrary to the accepted notions of service as 'probation' was understood to be a stage preparatory and prior to confirmation. They further held that the plaintiff in that case by submitting himself to work on trial for one year, must be considered to have agreed to the contingency of being sent away earlier. With respect to the learned Judges, I am unable to agree with the reasoning given therein. The learned Judges have not given effect to the words whereunder the period of employment viz., one year was provided. They considered that the very use of the word "probation" rendered the words relating to the period of one year, nugatory, and that the services of the employee could be terminated prior to the expiry of the period of one year. In my view, it would not be proper to cut down the meaning of the words "appointed \*\* for a period of one year" and reduce the period to any time within the period of one year, merely because the employee was appointed as a probationer. Reading the letter of appointment as a whole in the present case, I have come to the conclusion that the complainant having been appointed as a probationer for a period of one year, on an allowance of Rs. 150 per month his services were not liable to be terminated at any time at the pleasure of the Bank. In my view, the Bank was not justified in terminating the services of the complainant in the manner in which it has done. The petitioner was entitled to continue in service till 12th April 1961. As his services have been prematurely

terminated, I direct the Bank to pay to the complainant the sum of Rs. 1,035 as and by way of compensation and a sum of Rs. 75 by way of costs.

KANTILAL T. DESAI,  
Presiding Officer,

National Industrial Tribunal (Bank Disputes), Bombay.

[No. 10(123)/60-LRIV.]

*New Delhi, the 4th May 1961*

**S.O. 1078.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Delhi, in the matter of an application under section 33A of the said Act from Shri Ram Rattan Sharma, employee of the Punjab and Sind Bank, Dehra Dun.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. LABOUR COURT  
AT DELHI.

PRESENT:

Shri E. Krishna Murti, Central Government Labour Court, Delhi.

*The 19th April, 1961.*

I. D. No. 45 of 1961

Application U/S. 33A of the Industrial Disputes Act, 1947.

Shri Ram Rattan Sharma, Cashier, Punjab and Sind Bank, Kamal Kunj Kuti, 3977, Sirhindigate, Patiala.—*Complainant.*

*vs.*

The Punjab and Sind Bank Ltd., H. O. Dehra Dun.—*Opposite Party.*

Shri Rameshwar Pal *for the management.*

Shri Ram Rattan Sharma workman in person.

In the matter of Ref.—No. 1 of 1960, pending before the National Industrial Tribunal (Bank Disputes)—*Bombay-1.*

#### AWARD

This is a petition under Section 33A of the Industrial Disputes Act.

2. The petitioner alleges, that he joined the service of the Punjab and Sind Bank Limited on 20th June, 1949, as a Cashier, that he had been functioning as a Cashier Contractor since 20th June, 1949, that the respondent Bank served a notice of termination of the contract on 5th January, 1961, that the petitioner was entitled to continue in the service of the Bank as a Cashier, that the respondent-Bank has refused to allow the petitioner to continue in service from 10th January, 1961, that the termination of the service of the petitioner is illegal, and improper, that it should be set aside, and that the petitioner should be reinstated, with all back wages, and resultant benefits.

3. There is no counter statement filed on behalf of the Bank.

4. When the matter came on for hearing on 19th April, 1961, both parties reported a compromise of the dispute between them in terms of Ext. M/1, a copy of which is annexed to this award as Annexure 'A'.

5. The said compromise is accepted.

6. In the result, an award is passed in terms of the compromise, Ext. M/1, a copy of which is attached to this award as Annexure 'A', which shall form part of the award.

*The 19th April, 1961.*

Sd./- E. KRISHNA MURTI,  
Central Govt. Labour Court: Delhi.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT LABOUR COURT, DELHI

L.C.A. No. 105 OF 1961 AND I.D. No. 45 OF 1961.

Applications under S. 33A and 33C(2) of the Industrial Disputes Act 1947.

Shri Ram Rattan, Cashier, Punjab & Sind Bank Ltd., Kamal Kunj Kuti, 3977, Sirhindi Gate, Patiala—Applicant.

*Versus*

The Management of the Punjab & Sind Bank Ltd.—Opposite Party.

The parties to the above dispute have arrived at the following settlement:—

1. The Respondent Bank agrees to take the applicant back in Bank service and designate him as Officer Chief Cashier at its Patiala office on the following emoluments:—

Basic Salary	..	..	Rs. 130/- per month.
Dearness allowance	..	..	Rs. 45/- per month.
TOTAL	..	..	Rs. 175/- per month.

2. The respondent Bank agrees to include the past service of the applicant since 16th June 1949 for the purpose of retiring benefits.

3. The Respondent Bank with mutual consent further agrees to pay a sum of Rs. 1,200/- (Rupees One thousand and two hundred only) as compensation in full and final settlement of applicant's past dues whatsoever.

4. This settlement comes into force immediately.

It is prayed that the above said settlement may please be recorded in the above cases in full and final settlement of the claims of the applicant and applicant's applications consigned to record room in full satisfaction.

Signed at Dehra Dun this 18th day of April, 1961.

For the Punjab & Sind Bank Ltd.,

Sd./- (RAMESHWAR PAL),

B.A., LL.B.,

Manager,

Opposite Party.

[No. 55(14)/61-LRIV.]

G. JAGANNATHAN, Under Secy.

(RAM RATTAN SHARMA),  
(applicant).

New Delhi, the 4th May 1961

**S.O. 1079.**—Whereas the Central Government is of opinion that minimum rates of wages should be fixed under the Minimum Wages Act, 1948 (11 of 1948), in respect of employment in iron ore, manganese, gypsum, barytes and bauxite mines;

Now, therefore, the Central Government, in exercise of the powers conferred by section 27 of the said Act hereby notifies its intention to add to Part I of the Schedule to the said Act, the following employments namely:—

- (a) Employment in iron ore mines;
- (b) Employment in manganese mines;
- (c) Employment in gypsum mines;
- (d) Employment in barytes mines;
- (e) Employment in bauxite mines.

[No. LWI(I)-3(15)/61.]

B. R. SETH, Dy. Secy.

*New Delhi, the 4th May 1961*

**S.O. 1080.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S. O. 2627 dated the 21st October, 1960, namely:—

In the said notification, under item II, the word "and" against sub-item(w) shall be omitted and the following sub-items shall be inserted after sub-item(x), namely:—

- "(y) Cheruthazham;
- (z) Valiannoor; and
- (za) Narath".

The amendment made by this notification shall be deemed to have come into force on and from the 30th October, 1960.

[No. F. 13(4)/61-HI.]

BALWANT SINGH, Under Secy.

*New Delhi, the 4th May 1961*

**S.O. 1081.**—The following draft of a scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th June, 1961.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### *Draft Amendment*

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1961.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, after clause 55, the following clause shall be inserted, namely:—

"56. *Power to give directions.*—The Central Government may give directions to the Board as to the carrying into effect of all or any of the provisions of the Scheme and the Board shall comply with such directions."

[No. 527(7)/61-Fac.]

P. D. GAIHA, Under Secy.

*New Delhi, the 9th May 1961*

**S.O. 1082.**—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Kumar Sankar Ghosh as an Inspector of Mines subordinate to the Chief Inspector and makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. 531 dated the 2nd March 1961, namely:—

In the said notification the following entry shall be added at the end, namely:—

"(55) Shri Kumar Sankar Ghosh".

[No. 8/42/60-MI.]

B. R. KHANNA, Under Secy.



*New Delhi, the 9th May 1961*

**S.O. 1083.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Palana Colliery, and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI**  
**PRESENT:**

Shri E. Krishna Murti, Central Government Industrial Tribunal, Delhi

*The 21st April, 1961.*

**I. D. No. 205 of 1960**

**BETWEEN**

The employers in relation to Palana Colliery, Palana, Bikaner Distt., Rajasthan  
**AND**

Their workmen.

Shri M. G. Fell—*for the management.*

Shri Jawahar Lal—*for the workmen.*

**AWARD**

By G.O. No. [2/150/60-LR II], dated the 11th November, 1960, the industrial dispute, between the management of Palana Colliery, Palana, Bikaner Distt., Rajasthan, and their workmen, has been referred to this Tribunal for adjudication under Sections 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

2. The term of reference is as follows:—

Whether the termination of employment with effect from the 1st September, 1958, by the management of Palana Colliery of Shri Aidan, s/o Shri Shivkaran Singh, ex-Register Clerk, was justified, and if not, to what relief is he entitled.

3. It is alleged in the statement of claim, that the workman, Shri Aidan was dismissed by the management on the alleged charge of falsely representing one Shri Bhanaram, his uncle, before the Medical Officer, Palana Dispensary, as his father, that the management simultaneously approached the Station House Officer, Police Station, Deshnoke through the Superintendent of Police, Bikaner, for criminal action under the Indian Penal Code against the said workman, that the workman was prosecuted in a criminal court, that he was acquitted, that the dismissal is invalid, and wrongful, and that the workman should be re-instated in service, together with all resultant benefits.

4. The contention on behalf of the management is, that approval was given to the action of the management under Section 33(2) of the Industrial Disputes Act, that accordingly no dispute survives, that, apart from the above, the dismissal is perfectly valid, and is not wrongful, that it is legal and justified, and that the workman is not entitled to any relief.

5. The following issues were framed:—

- (1) Whether no dispute survives, as contended on behalf of the management?
- (2) Whether the action taken by the management is wrongful, as contended on behalf of the workman?
- (3) Whether it is lawful and justified, as contended on behalf of the management?
- (4) Whether the workman is entitled to re-instatement, as claimed?
- (5) To what relief, if any, is the workman entitled?

**Issue No. 1.**

6. This is a dispute between the employers in relation to the Palana Colliery and their workmen.

7. Both parties have dispensed with oral evidence, and have contented themselves by relying on the documentary evidence.

8. The workman in question, Shri Aidan, was an employee of the Palana Colliery. He was dismissed by the management. Ext. M/1 is a copy of a communication, dated the 2nd July, 1958, sent to the Manager, Palana Colliery, by Shri B. L. Gupta, who was the Medical Officer Incharge, Palana Dispensary, Palana. It is stated therein, that Shri Aidan, Register Clerk of the Colliery, went to the Medical Officer with a patient, named Shri Bhanaram, for treatment, that the said clerk introduced the said patient as his father, that the Medical Officer prescribed treatment for him, that the necessary medicines were indented for from the Colliery Stores, that subsequently the Medical Officer came to know from the patient himself during the course of conversation, that he was not the father, but uncle of Shri Aidan, that the workman had committed a fraud in order to get material benefit, and that suitable action should be taken in the matter. Ext. M/2 is a copy of the chargesheet, that was served on the workman. Ext. M/3 is a letter sent to the workman, referring to the fact, that a copy of the report of the Doctor, Shri B. L. Gupta, Medical Officer, was sent to the workman. He was asked to give an explanation, and Ext. M/4 is the same. Ext. M/7 is the letter, dated the 8th August, 1958, of the management to the workman, and he was informed, that the reply given by the workman was unacceptable, that full enquiries had been made by the management in the presence of Shri Aidan, the Head Clerk, and the Doctor, that the excuse given in the letter, was not accepted, and that the workman should show cause why his services should not be terminated. Ext. M/8 is a copy of the letter from the Director of Mines and Geology, Rajasthan, that the mines Manager's proposal for termination of service of Shri Aidan was approved in the interests of discipline. Ext. M/9 is the letter of the mines Manager, informing the workman, that his services were terminated on and from 1st September, 1958, and that he might receive his salary for the month of August, 1958 and also one month's salary in lieu of notice. Thus the services of the workman were terminated by the management.

The contention on behalf of the workman is, that such termination of service is unlawful, and unjustified, and that he is entitled to re-instatement, together with back wages, and continuity of service.

9. The objection has been taken on behalf of the management, that no dispute survives at the present moment in view of the orders passed under Section 33 of the Industrial Disputes Act. It may be mentioned, that a petition was filed by the management under Section 33(2)(b) of the Industrial Disputes Act (O.P. No. 59 of 1958) on the file of this Tribunal, for approval of the action taken by the management. Approval was given by order dated the 14th April, 1959. The contention on behalf of the management is, that, in view of the action of the management in terminating the service of the workman having been approved, under Section 33(2)(b), this dispute does not survive, and that the matter has been finally disposed of, and that the workman is not entitled to agitate the question of his removal from service. I am unable to agree. It is opposed to the decision of the Supreme Court in *G. McKenzie & Co. Ltd.* (1959 I LLJ 185). It was laid down by the Supreme Court at page 291 as follows:—

"As the purpose of S.33 of the Act is merely to give or withhold permission and not to adjudicate upon an industrial dispute, any finding under S.33 would not operate as *res judicata* and bar the raising of an industrial dispute, nor is there anything in the section itself or in the findings arrived at by the industrial tribunal in S. 33 proceedings, dated 6th June, 1954, or of the Labour Appellate Tribunal, dated the 29th March, 1955, which would debar the appellant-company from holding the second enquiry or dismissing the workmen provided the principles above set out are complied with." The decision in *Punjab National Bank* (1959 II LLJ 666) is also important.

10. In view of the above mentioned decisions of the Supreme Court, it is idle to contend, that the matter is finally disposed of by reason of the proceedings under Section 33(2)(b), or that the workman is debarred from raising the present dispute. On the other hand, the numerous decisions of the Supreme Court, starting from the *Automobile Products of India Ltd. Vs. Rukmaji Bala* (1955 I LLJ 346), have all laid down, that, when the ban imposed under Section 33 is removed, and approval or permission is granted to the action of the management, the workman has the right to raise an industrial dispute, in regard to the action complained of. The above contention on behalf of the management must be rejected.

11. The next contention, that has been raised is, that the workman himself filed a petition under Section 33A of the Industrial Disputes Act, and that, therefore, the present dispute cannot be raised once again. It is true, that the workman filed a petition under Section 33A in regard to the action complained of, i.e. I.D. No. 335 of 1959. A copy of the award passed in the said dispute has been

filed as Annexure 2 to the claim statement filed on behalf of the workman. It was found therein, that the petition, as brought, was not maintainable because there was no contravention of Section 33, and that, therefore, the petition, as brought, was not maintainable. It is expressly mentioned in paragraph 12, that all questions, relating to the justification and validity of the order passed by the management did not arise for decision, and were left open for future determination, as and when they arose. There was no decision on the merits, and all matters relating to the merits of the dispute were expressly left open. In these circumstances, there is no force in the contention on behalf of the management, that the present claim is barred by reason of the order in the proceedings under Section 33(2)(b), or under Section 33A. The above contention is rejected. I find, on this issue, that the dispute survives, and that the merits of the dispute have to be gone into in this proceeding, and that the orders passed under Sections 33(2)(b) and 33A do not operate as *res judicata*, and do not debar the workman from raising the present dispute.

#### Issues No. 2 and 3.

12. The question next is, whether the termination of service of the workman is wrongful, and unjustified, as contended on his behalf. I have already referred to the letter of Dr. B. L. Gupta, the Medical Officer Incharge of Palana Dispensary, i.e. Ext. M/1. It will be seen, that, after receipt of this communication from the Medical Officer, the management of the Colliery served a charge-sheet on the workman in terms of Ext. M/2. The charge is as follows:—

“You are charged with falsely presenting one Shri Bhanaram before the Medical Officer, Palana Dispensary, on 2nd July 1958, for Medical attention;—

And falsely obtained free Medicines from the Colliery Stores for the above person's treatment.

Your reply should reach my office within 3 days of receipt of this charge sheet.

Sd./- M. G. FELL,  
Mines Manager, Palana.”

From the above it is perfectly clear, that the charge against the workman was, that he falsely presented one Shri Bhana Ram before the Medical Officer, Palana Dispensary on 2nd July, 1958, for medical attention, and falsely obtained free medicines for the above person's treatment. Ext. M/3 has been filed as the indent for the medicines prescribed, and it is pointed out, that it is mentioned therein, that the medicines were for Aidan for the treatment of his father. It is admitted before me by Shri Jawahar Lal for the Union, that this bears the initials of the workman. In the explanation, that was furnished by the workman in answer to the charge, he stated, that he accompanied his uncle, Shri Bhana Ram, who is dependent on him, to the Doctor in the Hospital on 2nd July, 1958, that Dr. Gupta prepared an indent for the medicines, that the said medicines were ultimately obtained from the Colliery Stores, that Shri Bhana Ram was his uncle, and not his father, and that the Colliery Doctor might have taken the word “Kaka” to mean father, as in the locality the father was also referred to as “Kaka”. It is further mentioned, that injections were given to his uncle on 2nd July 1958 and 3rd July, 1958. It is pointed out, that in the letter, Ext. M/7, the Manager wrote, that on 2nd July, 1958 the workman had admitted, when questioned by Shri S. S. Mukerjee, Surveyor in the Colliery Stores, that the medicine was required for his father, that when full enquiries were made by the Colliery Manager on 4th July, 1958, Shri Aidan had admitted in the presence of the Head Clerk, and the Doctor, that Shri Bhana Ram was his father, and that by custom he was sometimes referred to as “Kaka”, and that the explanation that he did not read the store indent, was not acceptable. It is contended before me, for the management that Shri Aidan was guilty of dishonest conduct, and that he secured treatment for his uncle by falsely representing him to be his father. A copy of the standing orders has been marked as Ext. W/4. Standing Order 14 relates to termination of service of a permanent workman. Standing Order 15(3) sets out the acts and omissions, which shall be treated as mis-conduct Standing Order 15(3)(b) is as follows:—

“Theft, fraud, or dishonest in connection with the employer's business, or property.”

13. The first contention, that has been raised on behalf of the workman is, that there was no independent enquiry, conducted by the management, that there was summary and arbitrary dismissal of the employee in question, and

that this is against the principles of natural justice. There is some reference made in Ext. M/7 to full enquiries having been made by the Manager, in respect of this matter. There is no record of such enquiry. There is no satisfactory evidence to prove, what were the statements made, and whether the workman had opportunity to cross-examine the alleged deponents. On the contrary, the workman has relied upon the admissions made by Mr. Fell, the Colliery Manager, in his evidence given in the criminal complaint, to which I shall refer presently. A copy of the deposition has been produced as Ext. W/9. The portions, Exts. W/9B and W/9C, have been relied upon for the purpose of showing, that Mr. Fell admitted before the magistrate, that he had held no enquiry, and that there was no record of any such enquiry. Therefore, it is clear, that there is no independent domestic enquiry held by the Manager, and record of such enquiry is not on record. The termination of service of Shri Aidan, without such an enquiry, is not only opposed to the principles of natural justice, but also to Standing Order 16, which says, that no order of dismissal shall be made unless the workman concerned is informed in writing of the alleged mis-conduct, and is given an opportunity to explain the circumstances alleged against him. It is further mentioned, that, when circumstances appear to warrant it, the Manager, or the employer may institute independent enquiry before dealing with charges against the workman. I find, that the termination of service of Shri Aidan, without any enquiry, and without any opportunity being given to defend himself, is against the principles of natural justice, and is also against the standing orders.

14. In the second place, it is important to note, that the management sent a copy of the complaint, given by the Doctor, to the Station House Officer, Deshnoke. There is an endorsement on Ext. M/1 to the effect, that the original complaint was forwarded to the Station House Officer, Deshnoke. In Ext. M/2, the charge-sheet, there is an endorsement, showing, that the copy of the same was sent to the Superintendent of Police, Bikaner, with the request, that in the interests of the Department of Mines & Geology, further investigation as to the identity and relationship of Shri Bhana Ram with Shri Aidan may be made. A copy was also sent to the Medical Officer of the Dispensary. There can be no doubt, that, in this connection criminal proceedings were instituted against Shri Aidan, and he was charged with an offence under Section 420 of the Indian Penal Code. Ext. W/6A has been produced as the First Information Report in question. Ext. W/6 is a certified copy of the complaint of the Doctor, and it is in the same terms as Ext. M/1. Ext. W/6 shows, that a copy of this complaint was sent to the Superintendent of Police, Bikaner for necessary action, and a case was registered against Shri Aidan. I have already referred to Ext. W/9, the copy of the deposition of Mr. Fell, and it is argued on behalf of the workman, that he gave evidence in support of the prosecution case. Ext. W/11 shows, that Mr. Fell sent his clerk, Shri Umar Din, with the relevant file to the Court of the Magistrate I Class Bikaner, who was trying the matter. Ext. W/16 is a copy of the judgment of the I Class Magistrate, Bikaner. The workman was held to be not guilty of the charge against him, and he was acquitted.

15. The contention on behalf of the workman is, that the charge against him has been demonstrated to be untrue, that he was acquitted in the criminal court, that in these circumstances, it cannot be held, that the charge against him has been proved, and that therefore, the termination of service is wrongful. In my opinion, this contention is entitled to prevail, and the termination of service of Shri Aidan cannot be up-held. It is important to note, that there was no independent enquiry, held by the management as such. On the contrary, the evidence on record shows, that the matter was sent for investigation to the Superintendent of Police. On behalf of the workman it has been pointed out, that in the evidence of Mr. Fell he admitted, that the complaint of the Doctor had been forwarded to the Superintendent of Police for necessary action. In fact, the endorsement on the letter, that was written by the Doctor of the Colliery, shows, that the matter was forwarded for investigation to the police by the Mines authorities. Investigation was conducted into the charges by the police, and a complaint was put up against the workman under Section 420 of the Indian Penal Code. The workman has been acquitted by the criminal Court, and has been held to be not guilty of the charge against him, which was based upon the complaint of the Doctor. In these circumstances, when he has been held to be not guilty by the criminal Court, the termination of service cannot be up-held. I am supported in this view by the decision in Divisional Superintendent Northern Railway, Allahabad, Vs. Ram Saran Das (1F&LR-1961, Vol. II, page 241), and also the decision in Radhakrishna Mills (1960 II LLJ 678). When the workman has been acquitted of the charge against him of cheating the management of the Colliery by falsely representing Shri Bhana Ram as his

father, when really he was his uncle, the termination of service cannot be up-held, when this was the very ground of the charge, as expressed in the charge-sheet, referred to above. The basis for the charge fails. The termination of service is accordingly wrongful, and cannot be up-held.

16. In the third place, according to the case of the workman, he was not guilty of any offence, or of any dishonesty, even assuming, that Shri Bhana Ram was his uncle. What is contended on his behalf is, that in the order passed by the Manager, Ext. W/8, dated 1st January 1958, it was directed, that the Medical Officer Incharge Palana Colliery should in future make out all requisitions for medicines from the Colliery workers and their dependents. It is contended on behalf of the workman, that the word used in this order is "dependents", that Shri Bhana Ram was a dependent of Shri Aidan, even though he was an uncle, and, therefore, there was nothing wrong in obtaining medicines for him from the Colliery Stores. The contention on behalf of the management is, that the word "dependent" must be restricted only to the wife and children of the workman. It seems to me, that such a narrow interpretation is not possible. The word used is "dependent", which is fairly wide in its implication. The dictionary meaning of "dependent" is one who depends on another for support, retainer, or servant. According to the case of the workman, the uncle also was a dependent on him. If so, the seeking of medical treatment for the uncle was not opposed to the order. It is difficult to understand, how there could have been any dishonesty in the workman obtaining medicines for a dependent. Again, it is pointed out, that there is a provision in the said order, Ext. W/8, that no person is permitted to keep any medicine, which has been issued from the Colliery Stores in his own possession, and that reports of such practice would be severely dealt with to the extent of the Mines Manager refusing the issue of medicines to such a person, who did not heed these instructions. Even on the order, Ext. W/8 a breach of the directions contained therein, would entail the discontinuance of the issue of medicines. It is not the management's case, that the workman in question kept any medicines, which had been issued from the Colliery Stores in his own possession. Even taking into account the order of the Colliery Manager, Ext. W/8, the termination of service seems to be unjustifiable.

17. An examination of the entire evidence on record leads to the conclusion, that the termination of service of the workman cannot be up-held, and that it is unjustified. The charge levelled against the workman cannot be sustained.

18. However, it has been contended on behalf of the management, that a perusal of the explanation given by the workman affords sufficient justification for termination of service, and that there are certain objectionable statements made in paragraph 5(b) and (c). The allegations, that are contained in Ext. M/4, paragraph 5 are certainly insolent, and impudent. But it must be remembered, that these remarks are not the subject-matter of the charge in the charge-sheet, served against the workman. The charge-sheet, already referred to Ext. M/2, relates only to the part played by Shri Aidan in securing medicines for Shri Bhana Ram. The workman was not charged for insolent, or impudent conduct, or insubordination or misconduct, in connection with the remarks made in the explanation, Ext. M/4. It is laid down by the Supreme Court, that a workman cannot be punished on a charge, which was not the subject-matter of the charge-sheet, served against him. The decision of the Supreme Court in *Lakshmi Devi Sugar Mills Vs. Nand Kishore Singh* (1956 II LLJ 439) is important in this connection. It was observed therein as follows:—

"The charge-sheet which was furnished by the appellant to the respondent formed the basis of the enquiry which was held by the General Manager, and the appellant could not be allowed to justify its action on any other grounds than those contained in the charge-sheet. The respondent not having been charged with the acts of insubordination which would have really justified the appellant in dismissing him from its employ, the appellant could not take advantage of the same even though these acts could be brought home to him. We have, therefore, come to the conclusion that the order made by the Labour Appellate Tribunal was correct even though we have done so on grounds other than those which commended themselves to it." The management are, therefore, not entitled to rely upon the remark in the explanation, Ext. M/4, as justifying the termination of service.

19. On a consideration of all circumstances, I am of opinion, that the termination of service of the workman is wrongful, that it is against the principles of natural justice, that it is also unjustified, and that it is not valid, and that the charge of misconduct against the workman cannot be up-held. I find accordingly on these issues.

## Issue No. 4.

20. The question next is about the relief to which Shri Aidan is entitled. So far as the relief of re-instatement is concerned, I do not see how it is inexpedient or undesirable to direct reinstatement of the workman. I find, that the workman is entitled to re-instatement.

21. So far as back wages are concerned, the order of termination of service was with effect from 1st September 1958. The workman was acquitted by judgment dated 20th October 1959. It seems to me, that it is not a case, in which back wages should be ordered for the period during which the workman remained out of employment. In my opinion, three months emoluments will be sufficient compensation for forced unemployment. The said emoluments shall be calculated at the rate at which they were being drawn at the time of termination of service.

22. In the result, an award is passed as follows:—

(i) The order of termination of service passed against Shri Aidan, the workman in question, is set aside.

(ii) The management of Palana Colliery shall reinstate Shri Aidan in his old or equivalent post within two weeks from the date when this award becomes enforceable, and the period between the date of termination of service and the date of re-instatement shall be treated as continuous service, and shall not operate as a break in continuity.

(iii) The above-mentioned management shall also pay to Shri Aidan three months' emoluments, calculated at the rate at which they were being drawn by him at the time of termination of service, towards back wages and compensation for forced unemployment.

(iv) There will be no order as to costs.

(Twelve pages)

21st April, 1961.

E. KRISHNA MURTI,  
Central Govt. Industrial Tribunal,  
Delhi.

[No. 2/150/60-LRII.]

**S.O. 1084.**—In pursuance of sub-clause (ii) of clause (c) of sub-section (2) of section 3 of the Destruction of Records Act, 1917 (5 of 1917), the Central Government hereby authorises the Presiding Officer, Industrial Tribunal, Bombay to make rules for the disposal, by destruction or otherwise, of the documents of the Labour Courts and Industrial Tribunals constituted by the Central Government.

[No. F. 1/22/61-LR-I.]

**S.O. 1085.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Manaitand Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

**REFERENCE No. 58 of 1960**

**Employers in relation to the Manaitand Colliery**

**AND**

**their workmen.**

**PRESENT:**

**Shri Salim M. Merchant, Presiding Officer.**

**APPEARANCE:**

*For the employers.*—Shri D. Narsingh, Advocate, with Shri D. N. Rama, Manager of the Colliery.

*For the workmen.*—Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, with Shri B. N. Sharma, Member, Executive Committee of the Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Bombay, Dated 2nd May, 1961

## AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 1/57/60-LRII dated 17th December 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer the industrial dispute between the parties abovenamed in respect of the matters specified in the schedule to the said order which is reproduced below, for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act. Thereafter, upon the demise of the then Presiding Officer of the Dhanbad Tribunal the Government by a subsequent notification dated 20th February 1961 was pleased under section 8 of the said Act to appoint me in the vacancy so caused.

## SCHEDULE

"Whether the management is justified in withdrawing since middle of 1958 from the chaprasis converted into monthly rated staff the customary privilege of receiving compensation of  $\frac{1}{2}$  extra hazree for missing the bazar on Sundays whenever they are called upon to work on Sundays. If not, to what relief are these workmen entitled?"

2. The dispute concerns the chaprasis of the Manaitand Colliery who admittedly, prior to June of 1958, were daily rated and were being paid half extra hazri for working on Sundays, which was their weekly day of rest. It is also admitted that since June 1958 the chaprasis have been made monthly rated and their weekly days of rest have been staggered, with the result that some of them have to work even on Sundays and have other days as their weekly day of rest.

3. It appears that on 1st February 1960 the Colliery Mazdoor Sangh, (hereinafter referred to as the union) addressed a letter to the Conciliation Officer (Central) Dhanbad in which it claimed the payment of one and a half times their wages for chaprasis working on Sundays; it further stated that the management was not justified in stopping the payment of half day's extra hazri for work on Sundays after the chaprasis were converted into the monthly rated. The Conciliation Officer (Central) referred this letter of the Union to the management for their comments, who by their letter dated 11th February 1960, stated that the chaprasis when daily rated were paid one and a half times their wages for working on Sundays, because Sunday was their uniform rest day; that after they were converted into monthly rated, their rest days have been staggered and if any chaprasis works on a Sunday he is given another rest day in the week and thus the work on Sundays was no longer overtime work and the question of payment of one and a half times their wages did not arise; the management also denied that it had in any way altered the terms and conditions of service of the chaprasis as the Union had alleged in its letter. This letter of the management was referred by the Conciliator for comment to the General Secretary of the union who, by his letter dated 23rd February 1960, stated that his claim for one and a half times wages was based on Sunday being the universally recognised day of rest in the Jharia Coalfield. He further stated that the workmen were entitled to the same under the provisions of the Joshi Agreement of 1948 which had followed upon the Conciliation Board Award made in 1947. He also reiterated that the action of the management had constituted curtailment of the facilities enjoyed by the chaprasis and had also amounted to alteration of their service conditions. It was also stated that when daily rated, the chaprasis were earning  $7\frac{1}{2}$  days wages in the week, whilst they were now getting only six days wages.

4. The matter was thereafter taken up in Conciliation, but conciliation efforts ended in failure and the Conciliation Officer submitted his failure report dated 30th June 1960 after which the Under Secretary, Ministry of Labour and Employment, addressed a letter to the parties dated 28th July 1960, in which he stated that in the opinion of the Government of India, the dispute was not fit for reference to a Tribunal for adjudication. It appears that thereupon the union made a representation to the Government by its letter dated 1st September 1960, in which it clarified that its claim was not for overtime wages as appears to have been understood by the Government but that the demand for payment of half day's extra hazri was based on the fact that these chaprasis had been enjoying this privilege for a long number of years as compensation for missing the weekly bazaar and that the management itself had continued this practice from the time of the Joshi Agreement of 1948 till 1958, when it was suddenly stopped. It was thereupon that Government reconsidered its earlier decision and made this reference on 17th December 1960.

5. I may state that in its written statement of reply the management had conceded that this reference was bad because the Government had by its letter dated 28th July 1960 at first intimated to the parties that it did not consider this dispute fit for reference to adjudication, and that a reference thereafter was illegal. However, at the hearing Shri Narsingh, the learned Advocate for the Employers, in my opinion very rightly, did not press this point and conceded that the Government could at any stage change its mind and refer an industrial dispute to a Tribunal under section 10 of the Act on further representation by either of the parties.

6. The parties in their written statements filed in this reference have reiterated the positions taken up by them in the correspondence referred to earlier. The management has stated that as no monthly rated chaprasi works on his rest days, there is no justification for payment of one and a half day's wages for work on Sundays. It has denied that Sunday is a universally recognised day of rest in the coalfield of Jharia, where admittedly this colliery is situated and, it has stated that there are different rest days in different places. It has also argued that there has been no withdrawal of any customary concession from the monthly rated chaprasis as they (the monthly rated chaprasis) had never enjoyed such concession before, and there was consequently no alteration in their service conditions. However, in para 10 of its written statement the management has stated that if any workman having Sunday as his weekly day of rest works on that day the company would pay him half day's extra wages.

7. To this written statement of the Employers, the union filed a rejoinder dated 23rd March 1961, in which it made its stand clear that it was not claiming half day's extra hazri on the basis of work on a rest day i.e. that its claim was not based on payment for overtime wages but that its claim was based on Sunday being a universally recognised day of rest in the Jharia Coalfield and upon there being a practice throughout the coalfield that any workman who works on Sundays, is entitled to Sunday allowance of half extra hazri, as compensation for missing the weekly bazaar day. The union's second ground is that as the chaprasis of this colliery when they were daily rated were admittedly getting this half day's extra hazri for working on Sundays, they are entitled to the same concession and privilege which could not be taken away because they had been converted into monthly rated workmen.

8. I think there is substance in both these contentions of the union.

9. The union at the hearing led evidence to establish that throughout the Jharia Coalfield there is a practice to pay half day's extra hazri i.e. one and a half day's wages for work done on Sundays. Three witnesses were examined on behalf of the union. The first witness, Kedar Nath Singh, Overman, Bhowrah Colliery stated that in that colliery the practice was to pay  $1\frac{1}{2}$  times the wages for working on Sundays even though Sunday may not be the weekly day of rest; that the same practice prevailed in the four other Collieries of the Bhowrah Kankance Collieries Limited to which the Bhowrah Colliery belonged. He further deposed that this half day's extra wages were being paid since 1948. In cross-examination he admitted that Sunday was the normal rest day in the Bhowrah Colliery, but clarified that even when the colliery is worked on a Sunday in lieu of a paid holiday in the week, the workmen are paid  $1\frac{1}{2}$  times their wages for working on that Sunday. He further deposed that this extra half hazri was being paid since the Conciliation Board Award which was made in 1947. The second witness, Peyare Singh, a watchman of the Jamadoba Colliery, (PW-2) in his evidence stated that, in the Jamadoba Colliery, which belongs to the Tata Iron and Steel Co. Ltd., the practice is to pay  $1\frac{1}{2}$  times the wages for working on Sundays. Witness made it clear that if a workman works six days in a week including a Sunday and enjoys a weekly off in the week, he is paid  $6\frac{1}{2}$  days wages. He stated that this was the practice prevalent in all the five collieries of Tatas in the Jharia Coalfield. There was no cross-examination of this witness by Shri D. Narsingh. The third witness for the union was Shri S. Das Gupta (PW-3) who is the Secretary of the Colliery Mazdoor Sangh, as well as of the Indian National Mine Workers Federation. He stated that in March 1960 the Colliery Mazdoor Sangh had a membership of 60,000 (sixty thousand) colliery workmen, which was spread over the Bihar Coalfields and a part of the West Bengal coalfields, the total number of colliery workers in the area in which the Sangh has membership, being about 1,25,000 to 1,50,000. He deposed that the general practice was that a worker is paid half extra hazri for working on a recognised day of rest and that this practice has been in force since the Conciliation Board Award was made in 1947. He explained that this practice arose out of the rest days being given on the weekly bazaar day because if a worker was deprived of the weekly bezaar he had to purchase his daily necessities at a higher rate



on other days. He stated that the Manaitand Colliery had not given any notice under section 9A of the Industrial Disputes Act for withdrawing the practice of paying the extra half day's hazri for Sunday working. In cross-examination he admitted that it was true that the Joshi Agreement had not referred to the missing of the weekly bazaar days as the reason for granting half day's extra hazri for Sunday working. He was questioned as to the shift hours in the Manaitand Colliery but he was not sure about the actual hours of each shift.

10. Shri Das Gupta in his arguments also referred to a clause in the agreement dated 21st September, 1956, entered into during conciliation proceedings between the management of the Ena Colliery and the Sangh, under which it was agreed that extra payment for Sunday working would be given according to the Joshi Agreement. He has further referred to the award dated 16th September, 1960, of the Industrial Tribunal, Bihar State, in the dispute between the Bararee Coke Plant and their workmen in which a similar demand was held justified and was allowed. In his award the learned Industrial Tribunal has stated that it was not denied that there was a general practice prevalent in the collieries to grant one and a half day's wages for working on Sundays. Shri Das Gupta has also referred to the award of the late Shri G. Palit, M.A., B.L., Chairman, Central Government Industrial Tribunal, Dhanbad, dated 22nd April, 1960, in Reference No. 60 of 1959 in the industrial dispute between Messrs. Tata Iron and Steel Co. Ltd., and their workmen employed in their collieries where there is reference to a similar practice. He has also relied upon the award of the Industrial Tribunal, Dhanbad dated 24th May, 1958, in Reference No. 10 of 1958 where the practice of paying 50% extra wages to magazine and register clerks or register keepers for working on Sundays was restored with effect from February, 1957.

11. From this oral and documentary evidence on record, I am more than satisfied that there is a customary, privilege in the coal fields of Jharia, where this colliery is admittedly situated, of receiving half a day's extra hazri for work on Sundays, which is the generally observed weekly day of rest and on which day the weekly bazar is held. Even today, the practice in certain areas is for the weekly day of rest to coincide with the weekly bazar day and I am satisfied that the practice of giving half extra hazri for working on Sundays, is a compensation to the Colliery workers for missing the bazar day, which would result in their having to make their weekly purchases at higher prices than on the weekly bazar day. It appears that this practice started since the time of the Conciliation Board Award of 1947 (para 10) and was confirmed by the Joshi Agreement (para 4) which no doubt referred to payment of an extra half day's hazri on Sundays or recognised weekly rest days as overtime wages. But the practice has continued from that time and is now a universally recognised practice in the coalfields.

12. I am not satisfied that because the daily rated chaprasis were converted into monthly rated the management was therefore justified in taking away a privilege which they had been enjoying for a long time. In this connection it is necessary to state that the chaprasis were not governed by the provisions relating to overtime wages and it was for the first time by notification dated 20th August, 1960, that the chaprasis were made eligible for payment of overtime under chapter VI of the Mines Act, and that prior to that they were exempt from the provisions governing overtime work as contained in Chapter VI of the Mines Act. Shri Narsingh has argued that because the monthly rated chaprasis now get a weekly day of rest they were not entitled to the half day's extra hazri for working on Sundays, which admittedly they were getting when they were daily rated. He has argued that the monthly rated chaprasis never got this extra payment and that the privileges they enjoyed as daily rated workmen should not be extended to them when they were made monthly rated. I am not impressed by this argument. I do not see what justification there can be of altering a condition of service to the prejudice of a class of workmen simply because they were converted from daily rated to monthly rated. I am of the opinion that payment of the half day's extra hazri had by custom become a condition of service and that condition of service could not be altered simply because the chaprasis were converted from daily rated to the monthly rated. In my opinion, the union is right when it argues that stoppage of the payment of half day's extra hazri constituted an alteration in the terms and conditions of service of the chaprasis of this colliery and as this was effected without giving a notice of change under section 9A of the Industrial Disputes Act, the change was invalid.

13. The company in its written statement has offered to pay these chaprasis one and half times their wages if they work on a weekly day of rest which falls on a Sunday. But this is not a concession because under the law now in force

chaprasis if they work for more than 56 hours in the week would be entitled to overtime wages and also a substituted weekly day of rest. Thus even now if the chaprasis work for seven days they would get  $7\frac{1}{2}$  days wages and also on additional day off. Thus there is no merit in the company's offer. Shri Narsingh overlooks the material fact that now the monthly rated workmen would be entitled to compensatory weekly day of rest in addition to their overtime rates of wages, if they are made to work all the seven days of the week.

14. In the result, I hold that the management of the Manaitand Colliery was not justified in withdrawing since the middle of 1958 from the chaprasis converted into monthly rated staff the customary privilege of receiving compensation of half extra hazri for missing the bazar on Sundays, whenever called upon to work on Sundays.

15. The next question to consider is what relief these workmen should be granted. On the facts and circumstances of the case, I think the proper relief to grant to these chaprasis would be to order that the management shall pay them half extra hazri wages for work done on Sundays with effect from 1st January 1961. I have fixed this date considering that the efforts at conciliation failed on 30th June 1960 and this reference was only made on 17th December, 1960. I further direct that the payment of these dues should be made to the workmen concerned within one week from the date this award becomes enforceable.

No order as to costs.

Sd./- SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 1/57/60-LRII.]

#### ORDERS

*New Delhi, the 3rd May 1961*

**S.O. 1086.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Laikdih Deep Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Laikdih Deep Colliery of M/S. Andrew Yule & Co. Ltd., was justified in curtailing sick-khoraki facilities in respect of "Badli workers"? If not, to what relief are they entitled?

[No. 1/108/60-LRII.]

*New Delhi, the 6th May 1961*

**S.O. 1087.**—Whereas an industrial dispute exists between Messrs. Bisra Stone Lime Company, Post Office, Birmitrapur and their workmen represented by the Gangpur Labour Union, Post Office, Birmitrapur (hereinafter referred to as the Union);

And whereas the said Company and the Union have under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the dispute to arbitration by an arbitration agreement and a copy of that agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement.

## FORM C

(See Rule 7)

## AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

## BETWEEN

## Name of Parties :

Representing Employers.—Sri N. A. Mareheselli, Superintendent, Mines & Quarries, M/s. Bisra Stone Lime Co., Ltd., P.O. Birmittapur.

Representing workmen.—Sri B. K. Mohanty, General Secretary, Gangpur Labour Union, P.O. Birmittapur.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Sri C. J. J. R. Raju, General Superintendent, Ores Mines, Quarries & Prospecting, M/s. Tata Iron & Steel Co., (P) Ltd., Jamshedpur.

## (i) Specific matters in dispute:—

"Whether Sarvashri B. K. Tiwari, Mate Grade—I, Ramesh Sikdar, Mate Grade—I, N. K. Ghosh, Quarry Supervisor Grade—II, N. S. Prasad, Quarry Supervisor Grade—I, Yudhistir Sunani, Mulia, Permanand Behera Munshis employed in quarries of M/s. Bisra Stone Lime Co., Ltd., Birmittapur have been correctly designated having regard to the nature of duties performed by them, and if not, what should be their correct designation and grades of pay and with effect from what date."

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Between the management of M/s. Bisra Stone Lime Co., Ltd., Birmittapur and their workmen represented by the Gangpur Labour Union, P.O. Birmittapur.

Lime Stone Quarries of M/s. Bisra Stone Lime Co., Ltd., P.O. Birmittapur, Dist: Sundargarh, Orissa.

(iii) Name of the Union, if any, representing the workmen in question.

Gangpur Labour Union, P.O. Birmittapur.

(iv) Total number of workmen employed in the undertaking effected.

About 8,000.

(v) Estimated number of workmen affected or likely to be affected by the dispute;

Six.

We further agree that the majority decision of the arbitrators shall be binding on us.

Signature of the Parties.

Sd./- N. A. MAREHESELLI,  
Representing employer:

Sd./- B. K. MOHANTY,  
Representing workers:

## Witnesses :

(i) (Sd./- Illegible).

(ii) (Sd./- Illegible).

[No. 22/12/61-LRII.]

New Delhi, the 9th May 1961

S.O. 1088.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bharwell Manganese Mine

belonging to Messrs. B. Byramji and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the manganese ore should be measured upto the heap level of the farma (Kudo) or to the water level for calculating the wages of workers?

[No. 21/16/60-LRII.]

A. L. HANDA, Under Secy.

### MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 4th May 1961*

**S.O. 1089.**—In exercise of the powers conferred by proviso to sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958 read with sub-rule (3) of rule 9 of the said Rules, the Central Government hereby re-appoints the following persons on the expiry of their present term as members of the Advisory Panel of the Central Board of Film Censors at Madras for a further term of two years with effect from the dates shown against them.

Name	Date of re-appointment
1. Shri T. N. C. Srinivasa Varadacharya	3rd April 1961
2. Shri N. Venkata Rao	3rd April 1961
3. Shri V. S. Sankaran	21st May 1961

[No. F. 11/5/61-FC.]

SHRI BHAGWAN, Under Secy.